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BY THE SAME AUTHOR.

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IRISH HISTORY

BEING

A REPLACEMENT OF THE FALSE BY THE TRUE

FROM THE ELIZABETHAN CONQUEST

TO

THE LEGISLATIVE UNION OF 1800

BY

T. DUNBAR INGRAM, LL.D.

IN TWO VOLUMES

VOL. I.

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CHAPTER I.

INTRODUCTORY.

THE sensitiveness of the English conscience is wonderful, even pathetic. It is for ever seeking reasons for self-depreciation and self-condemnation. An Englishman is no longer right in his own eyes, and self-confidence has deserted his breast. Doubtful of his own uprightness and bewailing his shortcomings, he calls in question the conduct and policy of his forefathers. When accusations of cruelty, religious persecution and perfidy are brought against the men who made England, and laid the foundations of a world-wide empire, he is afraid to vindicate their memory, and assents in silence to charges which have no foundation. Overborne by the clamour of partial writers, who had not a particle of the historic spirit, and who wrote for the purpose of depreciating his country and his government, he surrenders his loyalty to his ancestors, who have been the great promoters of freedom of thought, of justice and of civilisation throughout the world. In his humility and self-denunciation he is willing to forget that he is come of a people who have ever been distinguished by their piety, integrity, humanity, and what is perhaps the greatest civic virtue—a love of compromise.

Yet there are circumstances in his own history which might have led him to doubt the truth of these accusations. It is unquestionable that the growth of England

has been accompanied with infinitely less bloodshed and rancour than that of the neighbouring nations, France, Spain and Germany. No general massacres stain his annals for a period of 800 years. The number of those who died for their religion is small indeed. His civil contests have been conducted with wonderfully little direct injury to the country at large. During the Wars of the Roses the mischief of the struggle was limited to the feudal lords and their dependants. No public buildings were demolished and no towns were sacked. Commerce went on unchecked, and even increased. The course of justice was undisturbed, and the judges went their circuits. In the great civil wars, 1642-1651, nothing was more remarkable than the reluctance of both parties to take up arms, and their constant eagerness for an accommodation. Negotiations took up nearly as much time as military operations. The Royalists and their opponents were agreed that the laws regarding private transactions and interests should be rigidly maintained. As in the Wars of the Roses, the judges went their circuits and held their courts in the provincial towns. In the midst of revolutionary confusion England was singularly exempt from crimes of violence. No bands of marauders, taking advantage of the commotions of the country, spoiled the peaceful inhabitants or pillaged their possessions. The revolution of 1688 was bloodless. If we compare our internal contests with even the modern Continental revolutions of the eighteenth and nineteenth centuries, we cannot but be struck by the essential difference between them. The English were limited and regulated movements in one direction—the latter were all destructive explosions.

Nevertheless, in spite of reflection and the lessons of the past, the Englishman is uneasy. If the Treaty of Limerick or the Penal Laws are mentioned in his presence

he hangs his head, and has nothing to say to charges of faithlessness and intolerance. Yet it is as clear as the day that the Treaty of Limerick was not violated, and that no such statement was ever made in Ireland respecting it until the establishment of the first Catholic Committee in 1756, when it was put forward as a good popular cry. As for the Penal Laws, they were *extorted* from an unwilling Government by the numerous attacks of the Catholic powers from without, and by the support given to those attacks by a faction among the Roman Catholics at home. This is not the opinion of one individual alone, but is supported by the testimony of many wise and learned men of that persuasion. In 1601, at the end of Elizabeth's reign, the Secular priests of England issued an address to all "true and sound Catholics". In this, they declared that the Penal Laws were brought upon their community by the causes just mentioned; that some of their own calling, if they had been members of the Queen's Council, "knowing what they do know, how under pretence of religion the life of Her Majesty and the subversion of the kingdom is aimed at," would have consented to the making of similar laws, and that no one during her reign was ever vexed "for that he was either priest or Catholic".[1] In 1604, the Roman Catholic laity, in a petition to James I., asserted that for the first twelve years of the reign of Elizabeth, *i.e.*, up to her excommunication by Pius V., their community was undisturbed. "No prince," say they, "was for that space better beloved at home, or more honoured or respected abroad; no subjects ever lived with greater security or contentment; never was the realm more opulent or abundant; never was both in court and country such a general time of triumph, joy

[1] *Important Considerations*, 1601.

and exultation."[1] The great Bossuet, about 1700,[2] stated that the Catholics in England were not punished as Catholics, but "as public enemies, as men ever disposed, when the Pope should order, to revolt against the King".[3] In 1793 the Rev. Joseph Berington, the historian, and Sir John Throckmorton, both devoted sons of their Church, denied that any Roman Catholic priest had been put to death for religion during Elizabeth's reign.[4] The Irish Franciscan, Father Peter Walsh, who at one time was professor of divinity at Louvain, published in 1674 a *Dedicatory Address to the Catholics of England, Ireland and Scotland.* He thus accounts for the enactment of the Penal Laws: "The original source of all those evils, and perpetual spring of all other misfortunes and miseries whatsoever of the Roman Catholics of England, Ireland, Scotland, at any time since the first change under Henry VIII., hath been a system of doctrines and practices, not only quite other than yourselves do believe to have been either revealed in Holy Scripture, or delivered by Catholic tradition, or evidenced by natural reason or so much as defined by the Tridentine fathers, but also quite contrary to those doctrines and practices which are manifestly recommended in the letter, sense and whole design of the Gospel of Christ, in the writings of His blessed Apostles, in the commentaries of their holy successors, in the belief

[1] *An Apology or Petition of the Lay Catholics*, p. 14. This is commonly known as the *Petition Apologetical.*

[2] Bossuet died in 1704. His *Defensio* did not appear until 1730. This edition was from an imperfect copy. In 1745 it issued from the press in its present shape.

[3] Prompti scilicet in regem insurgere ubi Romano pontifici placuisset (*Defensio*, pars 1, lib. 4, c. 23).

[4] "They were martyrs to the deposing power, not to their religion" (Throckmorton, *Letters to the Catholic Clergy of England*). "It was not for any tenet of the Catholic faith that they were exposed to persecution" (Berington, *Mission of Panzani*).

and life of the Christian Church universally for the first ten ages thereof, and moreover in the very clearest dictates of Nature itself, whether Christianity be supposed or not."[1] Is this Roman Catholic testimony sufficient, or is it necessary to add a fact which of itself is enough to show that there was no religious persecution of Roman Catholics in the reign of Elizabeth? Every Jesuit and missionary priest condemned to death, to secure his dismissal in safety, had only to acknowledge her as the true and lawful Queen of England, notwithstanding the Papal excommunication deposing her and absolving her subjects from their allegiance.[2]

In England, where the Protestants were numerous, and a large proportion of the Roman Catholics were loyal, the doctrines of the Jesuits and *seminary* priests—that the Pope could absolve the subject from his civil allegiance, that Elizabeth was a usurper, and that it was *de fide*,[3] that is, necessary to salvation, to deprive her of all authority—were only accepted by an active and unscrupulous minority among the Roman Catholics, which the Government was unable to distinguish from the majority.

[1] Address prefixed to the *History of the Irish Remonstrance.*

[2] When Campion and his companions were convicted, John Hart, James Bosgrave, Edward Reshton and Orton saved themselves by such an acknowledgment. Cardinal Allen admitted that those who made this acknowledgment "were to be absolved from death, though they professed the Catholic religion" (Butler, *English Catholics*, i., p. 428). The Rev. Joseph Berington says expressly "that none of the old clergy suffered, and none of the new, who roundly renounced the assumed prerogative of Papal despotism" (*Panzani*, p. 34).

[3] "The whole of divines and canonists do hold," says Father Parsons, "that it is certain and of faith that if any Christian prince do deflect from the Catholic religion, his subjects are free from all obligation of that oath which they have taken for their allegiance, and that they may and ought, if they have forces, drive out such a man as an apostate or heretic, and an enemy to the common wealth, from all dominion over Christians, etc." (Throckmorton, *Letters to the Catholic Clergy*, p. 129).

But Ireland at this time was almost purely Papal, and the moderating influence of a body of citizens holding a different belief was absent. Its excitable people were taught that Elizabeth and her adherents had been cut off from the unity of the Body of Christ,[1] that she was the enemy of God and man,[2] and that it was their duty as Catholics to fight against her, and to aid her enemies. To support these principles by active intervention Papal invasions were despatched to Ireland; plenary indulgences were distributed to stir up its inhabitants to rebellion and wars of religion; and Jesuits and missionary priests laboured incessantly to inculcate that war against the English heretics was as meritorious as one against Turks and infidels.[3] Though at first rejected by some of the Irish ecclesiastics and nobles who adhered to Elizabeth, the poison worked its way slowly and surely through the minds of the Irish, alienating them from the English, and sowing the seeds of national enmity. A large proportion of the Irish nobles were disaffected because they had been deprived of their absolute authority, and because they perceived that Elizabeth's Government was resolved to give their dependants security of tenure, and to free them from the intolerable exactions to which they were liable. But they were well aware that the proposed changes were popular with the people. They therefore maintained a discreet silence respecting these measures, and adopted the cry of religion in danger. Under the leadership of

[1] "Declaramus prædictam Elizabetham . . . eique adherentes a Christi corporis unitate præcisos (Bull of Pius V).

[2] "Quæ, Deo pariter et hominibus infesta, in Anglia et ista Hiberniæ insula superbe et impie dominatur." The words of the bull which Sander, the Pope's legate, took with him in 1579 (Ellis, *Original Letters*, second series, iii., p. 93. *Phelan's Remains*, ii., p. 204).

[3] Bull of Gregory XIII., 13th May 1580 (O'Sullivan, *Compendium Hist. Catholicæ*, p. 121).

O'Neill and O'Donnell, and directly encouraged by the Roman Pontiff,[1] they rose in a general insurrection, and the first religious war in Ireland was begun, only to be ended by the conquest of the whole country.

Even after the death of Elizabeth, the hostility of the Popes was continued to her Protestant successors. Their policy is best described in their own words: "The Holy See never can by any positive act approve of the civil allegiance of Catholic subjects to a heretical prince."[2] In pursuance of this policy, Paul V., in 1606, issued a bull to the Catholics of Ireland and England forbidding them to take the oath of allegiance or any similar oath.[3] The injunction was obeyed, and the Irish refused to take an oath of obedience to their Sovereign. The rule was relaxed during the short reign of James II., but was again revived against his successors. The oath which was refused to our English kings was freely given to the descendants of James, who nominated every Roman Catholic bishop in Ireland until the death of the last Stuart.[4] "Would it not be more than absurd," wrote the Roman Catholic bishop of Ossory, as late as 1772, "that a Catholic priest, preaching the word of God to a Catholic people, should swear allegiance to King George as long as he is a supporter of a heterodox religion, and as long

[1] Papal letter to O'Neill, 20th January 1601 (*Pacata Hibernia*, ii., p. 667). The Pope had sent a plenary indulgence the year before to all who should aid O'Neill "as if they were warring against the Turks, and for the recovery of the Holy Land" (*Ib.*, p. 664).

[2] Letter from the Papal secretary, Cardinal Pamphili, to the legate, Rinuccini, May, 1646; Carte, *Ormond*, i., p. 578; O'Conor's *Historical Address*, ii., p. 415; Hutton, *Embassy of Rinuccini in Ireland*, p. 580.

[3] "Propterea admonemus vos, ut ab hoc atque similibus juramentis præstandis omnino caveatis" (Bishop Burke's *Hibernia Dominicana*, p. 613, where the bull is given).

[4] Evidence of Dr. Doyle, Roman Catholic bishop of Kildare and Leighlin, before a committee of the House of Commons (*Digest of Evidence, etc.*, p. 325).

as he has a heterodox consort? Even if he should embrace the orthodox faith, or take an orthodox wife, is that a reason why a Catholic priest should abjure the king to whom he has already sworn allegiance?"[1] Two years later, in 1774, when an oath of allegiance was offered to the Irish Roman Catholics, which they themselves declared to be unexceptionable, less than sixteen hundred took it.[2]

The conduct of the Popes, acting in direct violation of the precepts of the Gospel, which enjoined obedience to Pagan Emperors,[3] and the perpetual inculcation by their agents that the Sovereigns of England and their subjects were the enemies of God and of the Irish people,[4] were attended with evils to Ireland beyond emuneration and beyond estimation. They produced the long and implacable hatred of the Irish to the English people. The numerous attempts from without to subjugate England, the assistance given to these attempts by the Papistic party at home, and the efforts to corrupt the fidelity of the subject by the secret teaching of rebellion, were the causes of the penal

[1] Burke, *Hibernia Dominicana*, p. 721.

[2] Browne, *Short Review*, p. 36 (Dublin, 1788). Arthur Browne was a member of the Irish Parliament.

[3] "No man, nor any assembly of men, however eminent in dignity and power, not even the whole body of the Catholic Church though assembled in general council, can, upon any ground or pretence whatsoever, weaken the bond of union between the Sovereign and the people, still less can they absolve or free the subjects from their oath of allegiance. . . . . Such is the doctrine which the Faculty of Divinity has imbibed from the Holy Scriptures, the writings of the ancients, and the records of the primitive Church, etc." (*Judgment of the Roman Catholic University of Louvain*, 1788). Five other universities concurred in this judgment—Douay, Paris, Alcala, Valladolid and Salamanca (Butler, *Eng. Catholics*, i., Append.).

[4] In his bull, directed to all the archbishops, bishops, prelates, princes, counts, barons, clergy, nobles, and peoples of Ireland in 1580, Gregory XIII. calls the English "the enemies of God and of yourselves" (O'Sullivan, *Comp. Hist. Cathol.*, p. 121).

laws, which were political and not religious in their aim.

"Persecution for religion solely," says a Roman Catholic writer,[1] "was odious even in the days of Elizabeth." The authors of the English penal statutes were wise enough to know that such laws tended to the impoverishment of the kingdom and to diminish the value of their own estates; and that, when one class of the community is depressed by legal restrictions, it loses its energy, and industry suffers. But they also knew the imminent danger which threatened their nation; that they were struggling against a combination of the Catholic Powers for mere existence as an independent State, and for freedom to worship God according to their conscience. Self-interest yielded to a sense of public danger, and they consented to enactments which they believed to be necessary for the salvation of England though opposed to its material prosperity. Purely defensive as the English penal laws were, they were not extended to Ireland. The statutes of Supremacy and Uniformity were the only Acts which affected the Irish Roman Catholics during the whole reign of Elizabeth. The Act of Supremacy and the oath in it, as explained by Elizabeth's Admonition, had no reference to religion, as many Roman Catholics, such as Feckenham, last Abbot of Westminster, Father Walsh, Sir John Throckmorton and the Rev. Dr. O'Conor have shown. No person except those holding ecclesiastical or civil offices, or sueing out livery of their lands, could be required to take the oath, and the penalty for declining it was only deprivation of office.[2] The Act of Uniformity

[1] Sir John Throckmorton. *Preface to Letters to the Catholic Clergy*, p. 9.

[2] Of the similar Act passed in England, Charles Butler, a learned Roman Catholic, says: "None, however, except persons holding

imposed a fine of twelvepence, equal to ninepence English, on all persons, whether Roman Catholics or Dissenters, omitting without reasonable cause to attend their parish church. No other law affecting Roman Catholics was passed in Ireland during the reigns of Elizabeth, James I. and Charles I. Yet as the words of the Act of Supremacy were interpreted by Papal advocates as denying the spiritual authority of the Pope, and the Act of Uniformity regulated the forms and prayers of public worship, it was inevitable that these two statutes should increase the national animosity of a people directed and controlled by a hierarchy and clergy imbued with ultramontane doctrines.

This feeling of animosity is the real source from which the accusation of the Irish writers against the English Government originally sprang. After the Great Rebellion of 1641 and the Cromwellian Conquest, numerous Irish ecclesiastics, Enis, Paul Kong, Ponce, French, etc., dispersed themselves over the continent. There they published many books inveighing against the conduct of the English and recounting their own sufferings. Influenced by two of the strongest feelings that darken judgment, namely, religious rancour and anger at the loss of possessions,[1] they proclaimed aloud their own misfortunes and the crimes

ecclesiastical or civil office could be required to take the oath; and none but those who voluntarily denied the Queen's supremacy were subjected to other penalties" (*English Catholics*, i., p. 346).

[1] In 1642, all the possessions of the Protestant Church in Ireland were transferred to Roman Catholics. This was effected by the following Act of the General Assembly of the Rebel Confederation, "It is ordered and established that the possession of Protestant Archbishops, Bishops, Deans, Dignitaries and Parsons, in right of their respective churches or their tenements in the beginning of these troubles, shall be deemed, taken, and construed as the then possession of the Catholick-Archbishops, Bishops, Deans, Dignitaries, Pastors, and their tenements respectively to all intents and purposes." Acts of General Assembly of Irish Confederation 1642 (*History of the Confederation and War in Ireland*, ii., pp. 73-84).

of the heretics. This was natural; it would be hard to expect impartiality from men who in the confusion of the times had lost their all. The great majority of these books would long since have been forgotten, but for the use made of them by a younger generation of authors which came into existence with the foundation of the first Catholic Committee in 1756. Curry, one of its founders, to advance the objects of the Committee, set himself to transform Irish history into a catalogue of English misdeeds. For this purpose, he betook himself to the ample store contained in the older books, and others as worthless as these, and collected every circumstance he could find unfavourable to the English administration. He even went so far as to state, as historical facts, events which had been related by his authority as hearsay only.[1] The spirit in which Curry wrote was caught up and adopted by a series of writers, the last of whom we have not yet seen. Their one theme is the injustice of the English administration in Ireland. Their idea is that history is an indictment and they themselves its prosecutors. For calm judgment, dispassionate investigation, or impartiality, we look in vain in their writings. That a purpose runs through the ages, and that the province of history is to portray a continuous and necessary

[1] For example, he says that during the administration of Oliver St. John the poor everywhere, not being able to pay the fine for non-attendance at church, fled into dens and caverns, whither they were followed by furious bloodhounds set on by sheriffs equally furious; that their dead bodies were not even safe, but were denied Christian burial and thrown into holes dug in the highway. When we examine his authority, a book published anonymously at Cologne in 1616-17, under the title *Analecta Sacra*, we find they are there given under an "it is reported". Dr. O'Conor, a Roman Catholic clergyman, gives other instances, and thus concludes his notice of Curry's method. "Yet there is no authority for all this but the hearsay, *fertur*, of a man who was then in Germany. Such are our Irish historians; God bless them" (*Historical Address*, ii., p. 318.)

evolution from the past, never entered their heads. Of the present school, Curry, Plowden, and the younger Grattan are the accepted oracles. Curry was the author of a *Review of the Civil Wars of Ireland*, which Hallam justly stigmatised as "a tissue of misrepresentation and disingenuousness". Plowden was a mercenary scribbler, who volunteered to write his *Review* for the purpose of proving the utility and necessity of the Legislative Union; and, when he was disappointed in the wages he expected, wrote his *History* to show that the Union was a misfortune to Ireland. He himself tells us that he commenced to write his *Review*, "confiding in the ultimate remuneration of Government," that he received £300 from Mr. Addington, then Premier, and that his book was to appear "under the correction" of the same gentleman.[1] The declamatory production of the younger Grattan is one of the wildest and most extravagant books in the English language. The five volumes of which it consists make up one continued laudation of his father, vituperation of his political opponents, and abuse of the British Government. Worthless as the work is, and useless for the purposes of history, it converted Mr. Lecky, who considered it, as he tells us, "much the amplest and best history of the closing years of the Irish Parliament," that is from 1782 to 1800. Influenced by Grattan, Mr. Lecky enlisted in the ranks of the detractors of the English and British Government. He very soon proved

[1] See what Plowden calls this Postliminious Preface. Dr. O' Conor accuses him of "shameful ignorance," and Hallam says that his *Review* was "not less unfair, and more superficial" than Curry's account of the Civil Wars. Plowden discussed the nature and effects of documents he had never seen, as the letter of the Irish chiefs to Pope John XXII., and the statute of Kilkenny. He admitted in his letter to Dr. O' Conor that he had never seen the former, and the latter was lost from the time of James I. to 1843.

himself an apt disciple of a crazy master, and devoted many years to demonstrate that the policy of the sister country in Ireland has been a selfish policy, which has prevented the prosperity and industrial development of the island.

If the members of the modern school were asked this question: Is not every blessing which the Irishman enjoys, save his religion, his bodily conformation, his soil, and his climate, the gift of England or Great Britain? What would be their reply? But we need not wait for their assent or denial, for the Irish people have answered the question by voluntarily accepting the innumerable benefits conferred on them by the connection. The language which they speak is a gift from the English; so is their literature. Their murderous tribal wars were put an end to, and peace throughout their country was established by the English. Their clan system, which was fatal to all improvement or advance in civilisation, was abolished, and their fusion accomplished by the English. England raised Ireland from being a pastoral country, with its wandering families, attended by their flocks and herds, to the settled agricultural stage, and taught its inhabitants to give up their barbarous customs of ploughing by the tail, of plucking the wool of live sheep instead of shearing them, and of the "fiery flail," that is, burning the straw instead of threshing out the corn. The dress of the Irish, and all the conveniences of their daily life are English. Whatever civilisation exists among them, whatever knowledge of science, painting, sculpture, and architecture prevails, has been imparted by the English. Their laws, institutions, machinery, manufactures, municipal government, and manner of life, are English. Their land code, more favourable to the cultivator than any other in Europe, was enacted in a British Parliament. Even the crowning

glory of Ireland, the purity of its women, was learned from the British settlers, for up to the beginning of the seventeenth century the Irish were noted for their licentiousness. These are heavy weights to be placed in the scales in which the merits and demerits of the British Government are balanced; yet, strange to say, they are never alluded to.

Let us select one of the anti-English school as an example of the rest, and accompany him in his disquisitions on ancient and modern Irish history. Mr. Lecky is the most respectable among the teachers of the doctrine that no good thing can come out of the British Nazareth, and conveys his opinions in a more polished style. He is also the fittest representative of them, for he is a firm believer in all that they preach, and shares, in full vigour, the one-sided credulity of these writers, and their incapacity to recognise real authorities. Like them, too, he accepts every utterance, provided it comes from an anti-English source, as confirmation strong. Thus he cites as evidence such authorities as Thomas Lee, a creature, and as he describes himself, bedfellow of the rebel Tyrone, who after his return from Ireland was executed for his share in the treason of Essex; and Peter Lombard, titular Archbishop of Armagh, and domestic prelate to the Pope, who wrote in Rome, and assured Clement VIII. that the Kingdom of Ireland was the ancient property of the Holy See, that the Irish refused to acknowledge any temporal sovereignty but that of the Pope, and that the Pope's sovereignty over Ireland was derived from God.[1]

[1] See his *De Regno Hiberniæ*, preface and pp. 114-15.

CHAPTER II.

THE ELIZABETHAN CONQUEST.

THE insurrection of the Earl of Desmond was put an end to in 1583, and Munster enjoyed some peace until the year 1595. In this year "the entire province of Ulster," say the Four Masters, "rose up in one alliance and one union against the English".[1] The English Government, with a half-pacified Munster on their hands, were greatly alarmed by this outbreak, and in the following year, 1596, despatched commissioners to solicit a peace from O'Neill and O'Donnell, the chiefs of the Northern insurrection. Very favourable terms must have been offered to these chiefs, for the Irish annalists inform us that the Government proposed to them the exclusive possession of Ulster, "except the tract of country, extending from Dundalk to the river Boyne, in which the English had dwelt long before that time"; that no collectors of tributes should be sent among them, but that the rents paid by their ancestors should be forwarded by them to Dublin; and that the Irish in the province of Connaught, who had risen up in alliance with O'Donnell, should have similar privileges.[2] Unhappily the Northern chiefs, at the instigation of the

[1] *Annals of the Kingdom of Ireland*, by the Four Masters, p. 1,959. These volumes will be cited by the name of the Four Masters, being that by which they are generally known.

[2] *Ib.*, p. 1,999.

Spanish king and on his promise of succours, refused the terms offered, and continued the war. Philip O'Sullivan Beare, who was Irish of the Irish, and who hated the English as heretics, also tells us that the conditions proposed by the Government were favourable. "Again proposals of a peace were made on both sides. Fair and honourable terms were offered by the Queen to the Catholic priests and laymen. O'Neill and O'Donnell, with others of the Irish, gave hostages for the acceptance of just and honourable terms, and for their ceasing to rebel. But before the peace was established and arms laid aside, Cobus and other ambassadors from Philip II., king of Spain, arrived, urging O'Neill and O'Donnell to be of good courage, and promising that an army should be immediately sent to their aid. The effect of his embassy was that the terms were rejected and the war renewed. O'Hanlon, Mac Engusa and the whole of Ulster, except the royal garrisons and the Anglo-Irish of Louth, joined in the confederation. Leinster was in flames, and Connaught was greatly disturbed."[1]

In August 1598 O'Neill defeated the English with great loss in the battle of the Blackwater, not far from the town of Armagh. The effect of this victory was great and momentous. O'Neill was hailed as the deliverer of Ireland from the English yoke. The chiefs in Ulster, who had hitherto wavered, declared at once for him. In Connaught the revolt was general. The Septs in Leinster, who had up to this time confined themselves to short, occasional insurrections, broke out in full

[1] *Historiæ Catholicæ Iberniæ Compendium*, 177. Philip O'Sullivan was nephew of O'Sullivan, Lord of Dunboy, a very valiant leader among the Irish. In 1602 Philip was sent to Spain, and entered the Spanish navy. His *Compendium* was published in 1621. A second edition appeared in Dublin in 1850, edited by Professor Kelly.

fury of rebellion, and bade defiance to the English Government. As for Munster, O'Neill, immediately after the Blackwater defeat, sent two of his lieutenants with four thousand kerne to stir up a fresh rebellion in that province, or as the annalists express it, "to make conquests, and to bring some of the adverse territories over to their cause by solicitation or force."[1] These officers were successful. The majority of the Irish clans, and many of the Anglo-Irish lords, united themselves to the Ulster army, and Munster was one general scene of insurrection. The forces of the united Irish were so numerous that they drove the president of the province and the Earl of Ormond into the town of Cork. There being no force to oppose the rebels, they proceeded to murder, burn, ravish and destroy at their leisure.[2] So great were their ravages that "they offered and sold at their camp a stripper or cow in calf for sixpence, a brood mare for threepence and the best hog for a penny, and these bargains were offered and proclaimed in every camp in which they were."[3] Throughout the wide territories of the Earls of Desmond, every Englishman was either killed or driven away. The Four Masters tell us that, "as the country was left in the power of the Irish on this occasion, they conferred the title of Earl of Desmond, by the authority of O'Neill, upon James, the son of, etc, and in the course of seventeen days they left not within the length or breadth of the country of the Geraldines, extending from Dunqueen to the Suir, which the Saxons had well cultivated and

[1] Four Masters, p. 2,077.

[2] Fynes Moryson says that they "spoiled the country, burnt the villages and pulled down the houses and castles of the English, against whom, especially the female sex, they committed all abominable outrages" (*Moryson's Hist.*, i., p. 61).

[3] Four Masters, p. 2,079.

filled with habitations and various wealth, a single son of a Saxon, whom they did not either kill or expel."[1]

The insurrection was general. O'Sullivan Beare, its historian, enumerates upwards of seventy chiefs, Anglo-Irish as well as Irish, who rose in rebellion, while twenty-seven only adhered to the Queen.[2] The Pope encouraged O'Neill, and sent him a plume of feathers hallowed by his own benediction. In reply to this Papal gift, O'Neill despatched a letter to Rome, in which he solicited the Pope to renew the excommunication against Elizabeth, "which would enable the Pontiff's faithful subjects to act with success in the defence of his Kingdom of Ireland".[3] In answer to this request, the Pope addressed a letter to O'Neill, in which he designated him Captain General of the Catholic Army of Ireland, exhorting him to continue the struggle with the English, and promising to use his influence with Catholic princes to give him all possible assistance.[4] To give further support to O'Neill, and to influence the Irish, a decision was obtained from the two universities of Valladolid and Salamanca, interpreting and enforcing the Papal letter to O'Neill. We give some extracts from this remarkable document: "It is beyond doubt that the Catholics may assist the said prince with great merit and assured hope of eternal reward. For as the said prince makes war for religion by the authority and exhortation of the Pope, and the Pope has granted many graces to those favouring the said prince, as if they were warring against the Turks, there can be no question that the war is just and of great merit. It is also certain that those Catholics do sin mortally who follow the camp

[1] Four Masters, p. 2,081.

[2] *Hist. Cathol. Compendium*, pp. 140-143.

[3] The letter is given in *Pacata Hibernia*, i., p. 309.

[4] *Ibid.*, ii., p. 667.

of the English against the said prince, and that they cannot be absolved by any priest until they repent and desert from the English army. The same judgment is to be passed on all who supply the English with arms or provisions, or with anything beyond those customary taxes which, by the indulgence and permission of the sovereign Pontiff, it is lawful to pay the Queen of England. From all which it is evident that the most illustrious prince Hugh O'Neill and the other Catholics making war against a heretical Queen, who opposes the true faith, are not rebels at all, neither do they refuse true obedience nor usurp unjustly her dominions, but rather are freeing themselves and their country from impious and wicked tyranny by a most just war, and are defending the holy orthodox faith with all their power as becomes Christians and Catholics!" [1]

This reference to the two Spanish universities was rendered necessary by the serious dissensions which had arisen among the Irish. A schism had broken out among their inferior clergy, similar to that which divided the Roman Catholics of England. The bull of Pius V. against Elizabeth deposed her, and deprived her of all authority over her subjects. A subsequent judgment of Gregory XIII. allowed the Roman Catholics to exhibit to her a temporary and conditional allegiance, *rebus sic stantibus*, so long as present circumstances should continue. Some of the Irish clergy took advantage of this latter decision to declare that Catholics might lawfully bear arms in defence of a heretical Queen. "On account of this division," says O'Sullivan, "the supreme Pontiff commanded all the Irish to assist the Catholic princes. It was objected by the other faction, that the Papal letter had been obtained by false pretences.

[1] This decision is to be found in O'Sullivan, p. 262, and in *Pacata Hibernia*, ii., p. 511.

Wherefore a reference was made to these famous universities, which declared that the letter was not obtained by the alleged pretences, and condemned the opinion of those priests who adhered to the English party".[1] O'Neill himself was alarmed at the schism, and discussed this case of conscience in a manifesto issued by him in 1599: "Some Catholics do think themselves bound to obey the Queen as their lawful prince; which is denied; in respect that she was deprived of all such kingdoms, dominions and possessions which otherwise should have been due unto her, and, consequently, of all subjection, insomuch she is left a private person and no man bound to give her obedience."[2]

This was not the only danger which threatened to frustrate the schemes of O'Neill. The Irish and Anglo-Irish chiefs began to suspect that O'Neill was aiming at the sovereignty of Ireland. Their wishes were opposed to any central government. What they desired was that Ireland should continue divided into a number of small principalities, and that each chief should possess absolute authority in his own district. It was for this that they had entered into rebellion against the English Government, which they saw was resolved to put an end to their local dynasties. In his manifesto, O'Neill had ventured to speak like a king, and declared that he would spoil the goods of all those who did not join him, and would dispossess them of their lands. He had also committed an indiscretion in creating James Fitzgerald Earl of Desmond, and in exacting from him homage and a promise of tribute. This conduct was resented by all parties, and the Irish, with their native humour, attached to the new creation the contemptuous

[1] *Hist. Cathol. Comp.*, p. 144.

[2] *Leland*, ii., p. 364, note, where the manifesto is given.

title of the Earl of Straw. In addition to these circumstances, the Anglo-Irish nobles dreaded the success of a rebellion which might place them at the mercy of the purely Celtic chiefs. They saw that if Ireland became independent under O'Neill, or were annexed to the Spanish monarchy, the old race question might be revived, and themselves either dispossessed or exterminated. The schism among the priests and the apprehensions of the chiefs, both native and Anglo-Irish, will account for the fact that so few of the Southern Irish joined the Spaniards on their landing and occupation of Kinsale in 1601.

O'Neill and O'Donnell were in the North when they received the news that a Spanish army had arrived. The two leaders collected their forces and marched to Kinsale, hoping to enclose the English, who were besieging that town, between them and the Spaniards. On arriving within a few miles of the English camp, they held a council of war, in which great dissensions arose. O'Neill's advice was to starve out the English; while O'Donnell was for an immediate attack. The opinion of the latter prevailed, and it was determined to surprise the English by night. When the time and mode of attack had been settled, a fresh contention arose between O'Neill and O'Donnell. "Neither of them," says the author of the *Life of O'Donnell*, "would allow the other to march in front of him to attack and assail the English, owing to the nobility of mind and pride of strength of both, for each one of them thought it a reproach and disparagement to himself and his tribe for ever to allow the first place on the road and the position on the way to the other force before his own".[1] The same

[1] O'Clery. *Life of O'Donnell*, p. 313 (Dublin, 1893). A similar occurrence took place at Culloden. The Clan Macdonald claimed the right hand in battle. They were placed on the left wing. They sulked and refused to charge.

author informs us that both parties were full of suspicion and fear of treachery, and that in consequence their advance was slow and languid. Instead of surprising, they were surprised themselves, and found the English, whom one of the principal leaders in the Irish army had warned of the attack the night before,[1] in order of battle. O'Neill's troops first appeared in the grey of the morning, and were driven back on O'Donnell's men, who were thus thrown into confusion. The rout was complete, and immediately after the Spaniards capitulated.

Thus ended this disastrous struggle, which had for many years turned Ireland into a field of battle; "the memorable war," as O'Sullivan Beare calls it, "in which the whole of Ireland was devastated, and the flower of the English nobility perished."[2] We can now ask: What were the English and the Irish respectively contending for, and what was the result of the contest? The English were striving against the continuance of anarchy and for unity of government in the island. The Irish fought for the maintenance of their system of petty and irresponsible princes. One of the greatest benefits that can be conferred on a nation is to replace a worn-out tribal system by a strong central authority. In Ireland, that system had long lost all its redeeming qualities. The perpetual local wars between the chiefs, and their disputes respecting the headship of their families, led to an ever-increasing proportion of warlike retainers, whose maintenance wasted the substance of the peaceful clansmen. No prosperity or advance was possible in a country where every lord of one or a few baronies thought it his duty to make a predatory

[1] *Pacata Hibernia*, ii., p. 414. Fynes Moryson, ii, 45.

[2] Memorabile bellum, quo non modo Ibernia tota fuit penitus devastata et excisa, sed etiam Anglicæ nobilitatis flos deletus (*Hist. Cathol. Comp.*, p. 140).

excursion as soon after his inauguration as possible,[1] and where "war was the only certain inheritance which for centuries descended from father to son".[2] Ireland was indeed the paradise of swordsmen, but for the husbandman and non-combatant there was no security for life or property. They could neither sow in peace nor enjoy undisturbed the fruits of their labour. At any moment a band of plunderers, headed by a neighbouring chief, and justified by the national sentiment in favour of such forays, might enter their district and kill, burn, and destroy without any blame being attached to them. For nothing is more remarkable than the way these things are recorded by the Irish annalists. Though ecclesiastics, they relate battles, forays, and family dissensions as if they approved of them. "Triumphant traverser of tribes," and "warlike, predatory, and pugnacious plunderer of distant territories" are some of the titles they lavish upon their heroes. Mr. Richey has analysed the history of the Four Masters for the short period of thirty-four years, from 1500 to 1534, with this result: "Battles, plunderings, etc., exclusive of those in which the English Government was engaged, 116; Irish gentlemen of family killed in battle, 102; murdered, 168—many of them with circumstances of great atrocity; and during this period, on the other hand, there is no allusion to the enactment of any law, the judicial decision of any controversy, the founding of any town, monastery or church; and all this is recorded by the annalist without the slightest expression of regret or astonishment, and as if such were the ordinary course of life in a Christian nation."[3] In these battles

[1] "Every Irish chieftain," says the editor of the *Four Masters*, "thought it his duty to perform a predatory excursion as soon after his inauguration as possible." P. 1,573.

[2] Hardiman, *Statute of Kilkenny*, p. 35, note.

[3] *Short History of the Irish People*, p. 247.

and plundering excursions no quarter was given. "It was the sole consideration on each side," says an impartial student of our public records,[1] "who could inflict the greatest amount of suffering and injury on the other. Blood could only be wiped out by blood, and, horrible to relate, in his mistaken thirst for vengeance, the age or sex of his victim, their guilt or their innocence mattered little to the spoiler. The Irish are a generous people; but in these wars of rival clans, nothing else was developed except thoughtless and indiscriminating ferocity. If ever human nature realised, in its most dreadful and liberal interpretation, that expression of being 'drunk with the blood of the slain'—when reason, reflection and compassion were all dethroned by one masterless passion of the hour—that strange and awful phenomenon was verified in these Irish wars." It was to put an end to such atrocities, and to restore a sense of order and good government that the English were struggling. They were fighting the battle of the poor and unprotected peasants, to whom they were desirous of giving security, and of freeing them from the uncertain and innumerable exactions of their tyrants. One thing at least was certainly effected by this conflict: it ended for ever the clan system and its ceaseless succession of tribal wars, as was shown by the fact that when the Irish, forty years later, again rose in rebellion, they adopted in their Kilkenny Assembly the English plan of representation.

For the Irish chiefs themselves, both native and Anglo-Irish, the only hope of rising to a higher state of civilisation depended on the victory of the English and the establishment of a central authority. Their bloody and interminable feuds, and their contentions about the

[1] Mr. Brewer, in preface to third volume of the *Carew Manuscripts*, p. 57.

lordship of their narrow territories, had introduced a system of manners and morals hardly, if at all, superior to that of American Indians. An insult, a dispute respecting a few acres, the vain glory of a newly-elected chieftain, or a desire to extend their domains, were the perpetual causes of forays, which swept off in a night the wealth of a clan and left its homesteads in ashes. Their lives were spent either in attacking their neighbours or in defending their own possessions from the incursions of other tribes. In the midst of squalor and disorder, they were indifferent to letters or the arts which adorn life. One remarkable circumstance, brought out by a study of the Irish annals, is the great number of fratricides among these chiefs. It would appear that the system of fosterage which prevailed among them weakened the fraternal feeling. The custom was to give out the children of the rich to be nurtured in the families of dependants. A love, strong as death, grew up between the child and the members of his new family. But this was effected at the expense of his true brothers, who were also brought up in the same way and in different families. At a time of life when the home affections develop themselves, the brothers in blood were estranged from each offer, were not educated under the same parental care, did not share in the same pastimes, and were not endeared to each other by early and daily association. Their mutual relation was rather that of the sons of a Mohammedan nobleman by different mothers, and taught to regard their brethren with jealousy. O'Sullivan Beare bewails the frequency of family murders and fratricides among the class to which he himself belonged. "In ancient times the Irish, purified by religion, were incorrupt, of unstained morals, and cultivators of right and justice. But now, for a long time, they have

been inflamed with an unheard of desire of obtaining ample possessions, and the lordship each in his own family. From these sources arose contentions, hatreds, domestic wars, ravages, devastations, and innumerable evils of the same kind. For not only did the New Irish make war on the Old, and were in return attacked by them; but the New were at war with the New, and the Old equally at war among themselves. Nay, even blood relations, and often brothers, for a few acres of land, for an increase of their possessions, or for an insult were put to the sword, no one showing mercy to the other. So that their most lamentable condition is most fitly described in the verses of Ovid:—

> Vivitur ex rapto; non hospes ab hospite tutus,
> Non socer a genero; fratrum quoque gratia rara est."[1]

The mixed race which now dwells in Ireland can sympathise with the valour displayed on both sides. The English poured out their blood and treasures to end for ever the degrading anarchy which would have perpetuated the poverty and disorder of the country, and to elevate Ireland from the pastoral to the agricultural stage. The Irish fought desperately against superior arms and discipline for the maintenance of their tribal system. But we should not allow our sympathy for either party to make us overlook the real and only historical question—which side was making for civilisation, for prosperity and peace? This is the mistake which Mr. Lecky makes. He understands neither the details of this long conflict nor the principles which underlay it. He finds nothing in this protracted struggle but a peg whereon to hang an accusation against the English Government. He attributes the lamentable state

[1] *Hist. Cathol. Comp.*, p. 82, and repeated in almost the same words at p. 339.

of Ireland in 1600 to the manner in which the soldiers of the Queen carried on hostilities. For this purpose he enumerates each particular misdeed committed by them which he could collect, while the only remark he makes on the Irish mode of warfare is "the cruelties were certainly not all on one side". He should at least have stated some facts which may account for occasional excesses on the part of the English soldiery. The Irish gave no quarter, except when they hoped for ransom; they killed the wounded as they lay on the field of battle, and cut off their heads as trophies.[1] The spirit in which he wrote is shown by the way in which he

[1] The first who mentions this custom of decapitation is Giraldus Cambrensis who says that the Irish gave no quarter and decapitated the vanquished. The custom spread to the Anglo-Irish. Lynch in his *Cambrensis Eversus* tells us that the first Earl of Clanrickard once followed a plundering expedition led by his "nearest relatives," recovered the prey, and brought back so many heads that he was ever afterwards known as Ulick of the heads (vol. ii., p. 159). Stanihurst, who wrote in 1584, says that the Irish soldiers mutilated the bodies and cut off the heads of their opponents (*De Rebus in Hibernia Gestis*). Lughaidh O'Clery, one of the family to which we owe *The Annals of the Four Masters*, in his *Life of O'Donnell*, tells us that after the defeat of the English at the Blackwater in 1598 "the soldiers returned and proceeded to strip the people who had fallen in battle and to behead the crowd who were severely wounded" (p. 175). He also informs us that in 1599, after the battle in which Sir Clifford Conyers was slain, "O'Donnell's forces went back and proceeded to cut down those whom they had mortally wounded and to slay the wounded whom they met with on the battlefield and to behead them" (*Ib.*, p. 219). The *Four Masters* also give instances of this custom. Before the battle of Benburt in 1646, the well known Heber MacMahon, Bishop of Clogher, harangued the Irish army, and inveighed vehemently against the customary inhumanity of the soldiers. He conjured them by the duty they owed to God to give quarter to the enemy if Providence gave them success (O'Conor, *Dissertations on Irish History*, p. 89). How the injunction was obeyed, we learn from a letter of the Papal legate, Rinuccini, to the Pope: "It is impossible to know how many were killed in the flight, but as the slaughter continued for two days after the battle, it is certain that of the infantry not one escaped. Sir Phelim O'Neill, when asked by the colonels for a list of his prisoners, swore that his regiment had not one, as he had ordered his men to kill them all without distinction" (Hutton, *Embassy of Rinuccini*, p. 174).

manages his quotations when made from writers of credit. Thus he quotes from Spenser his well-known description of parts of Munster, without adding the words which attribute the ruin principally to the ravages of the kerne and gallowglasses.[1] Of another quotation he gives only the last few lines, though the whole of it tells against his theory, and ascribes the devastations to one of the tribal wars. The following is the passage in full, with the part extracted by Mr Lecky in italics:—

"The Earl of Desmond remained from the middle month of the autumn of the preceding year to the end of this year [1582], between Druim-Finghin, Eatharlach and Coill-an-Choigidh, heeding or caring for neither tillage nor reaping, except the reaping, *i.e.*, cutting down of the Butlers by day and night, in revenge of the injuries which the Earl of Ormond had up to that time committed against the Geraldines. It was the easier to oppress the Butlers, because the Earl of Ormond was this year in England, and his territory experienced the ill effects of his absence; for almost the whole tract of country from Waterford to Lothra, and from Cnamhchoill to the county of Kilkenny, was suffered to remain one surface of weeds and waste. Nor was it wonderful that these lands should be left thus waste on account of the many times the earl had plundered the two Ormonds, Duharra, Ikerrin, South Ely and the Forthuathas, Middle-third and Clonmel-third, and the districts lying on both sides of the Suir as far as the gate of Waterford. The one-half or one-third of the desperate battles, the hard conflicts and the irresistible irruptions of the Geraldines at this time, cannot be enumerated or described. *At this period it was com-*

[1] *View of the State of Ireland*, p. 524. Thom's *Collection of Tracts and Treatises.*

monly said that the lowing of a cow or the voice of the ploughman could scarcely be heard from Dun-Caoin to Cashel in Munster."[1]

Our astonishment at this mode of writing history is increased when we learn from undoubted sources that years before the Desmond rebellion, and before Spenser came into Ireland, Munster was a desert. In 1567 Sir Henry Sidney made a tour of eleven weeks and two days through that province. Part of the report he made to the Queen on what he saw there is given below, Mr. Brewer makes some remarks on this report, which deserve the attention of all who wish to understand the real causes of the miseries of Ireland at that time. "If any Englishman imagines that these excesses were occasioned by the conquest of Ireland—that the disorders and oppressions he is so apt to deplore were due to the stern and unjust rule of his forefathers—let him ponder over the following extract. There would be no difficulty in multiplying evidence of a similar kind. History has often been unjust to the conquerors as well as to the conquered; it is never more unjust than when it represents the sufferings of Ireland as arising exclusively from the methods adopted by this country to bring it to a sense of order and good government.

"As touching the estate of the whole country, for so much as I saw of it, having travelled from Youghall to Cork, from Cork to Kinsale, and from thence to the uttermost bounds of it towards Limerick, like as I never was in a more pleasant country in all my life, so never saw I a more waste and desolate land, no, not in the confines of other countries, where actual war hath continually been kept by the greatest princes of Christendom;

[1] Four Masters, p. 1,784.

and there heard I such lamentable cries and doleful complaints made by that small remain of poor people which are yet left, who (hardly escaping the fury of the sword and fire of their outrageous neighbours, or the famine which the same or their extortious lords hath driven them into, either by taking their goods from them or by spending the same, by their extort taking of coyne and livery) make demonstrations of the miserable estate of that country. Besides this, such horrible and lamentable spectacles there are to behold, as the burning of villages, the ruin of churches, the wasting of such as have been good towns and castles, yea, the view of the bones and sculls of your dead subjects, who, partly by murder, partly by famine, have died in the fields, as in troth hardly any Christian with dry eyes could behold. Not long before my arrival there, it was credibly reported that a principal servant of the Earl of Desmond, after that he had burnt sundry villages and destroyed a great piece of a country, there were certain poor women sought to have been rescued, but too late, yet so soon after the horrible fact committed as their children were felt and seen to stir in the bodies of their dead mothers; and yet did the same earl lodge and banquet in the house of the same murderer his servant after the fact committed." [1]

Let us turn for the present from Mr. Lecky's narrow and misleading pages and learn from the Irish annalists, who compiled their narrative in their native tongue far away from English influence in the wilds of Donegal, the real causes of the desolation of Ireland, not only in 1600, but for 200 years before that period.

[1] *Carew Manuscripts*, iii., p. 57. Hamilton, *State Papers*, 1, p. 330.

CHAPTER III.

A RETROSPECT.

At the commencement of the fourteenth century—that is about the year 1300—the English rule appeared to be consolidated in Ireland, and English influence was predominant in the country. Throughout the whole of the preceding century the supremacy of the English kings had been acknowledged in every corner of the island. During this period the Crown claimed and exercised supreme authority over all things secular and ecclesiastical. The whole realm was reduced into counties, though not so numerous as they afterwards became from subdivision.[1] The writs of the king were current throughout them, his justices held their pleas, and his sheriffs executed them. Irish nobles obeyed the royal commands; and, when summoned to help their liege lord in his wars, responded to the call. From the invasion of Henry II., the Crown claimed the disposal of all ecclesiastical dignities, and exercised this power even in those parts of Ireland accounted the most Celtic.[2] The country was comparatively peaceful and its government was self-supporting; and, as the plainest evidence of the tranquillity and prosperity of the kingdom, the English treasury was enriched by

[1] Answer to Sir Richard Bolton by Mayart, Justice of the Com. Pleas in Ireland. Harris, *Hibernica*, p. 75. Introduction to Clyn's *Annals of Ireland*.

[2] Stokes, *Ireland and the Anglo-Norman Church*, p. 313.

contributions from Ireland.[1] The relation of the English sovereign to the Irish lords and prelates is well shown by an appeal of the King of Connaught, and by Papal letters. In 1240, O'Connor, King of Connaught, wrote to Henry III. as a subject, praying for redress of certain injuries done to him and the church of Elphin by Walter de Burgo. In this letter O'Connor says: "We humbly beseech you as you desire to preserve the land of your son "—Edward I., to whom Henry had made over Ireland —" free from hostile incursions, to command the Lord Richard de Rapella and your beneficent council in Ireland, to compel the said Walter to make compensation for the wrongs done to us and the church of Elphin. Be assured that we have never failed in our faithful service[2] to you or your son, and that we shall never do so whatever solicitations thereto may be made to us[3]." Four years later letters of protection, to last until the arrival of the king in Ireland, were granted to O'Connor.[4] The Pope evidently considered that the king of England was possessed of the same rights and privileges over the Irish church that he exercised over that of England. In 1228 he asked Henry to grant to Nicholas Archbishop of Armagh possession of the temporalities of his See.[5] In 1245 he confirmed the king's privileges and immunities over the churches of England and Ireland.[6] In 1255 he prayed the king to show himself favourable to the Archbishop of Armagh and to give no ear to his detractors.[7] And in 1260 he exhorted Edward to defend the Dean of Cashel against his Archbishop who

[1] Introduction to Clyn's *Annals*. [2] "Fideli servitio."

[3] Litera Fedlimini O'Connor Regis Conactiæ ad Henricum Regem. Rymer, i., p. 391.

[4] De protectione pro Rege Conactiæ, *Ib.*, p. 429.

[5] *Ib.*, p. 305. [6] *Ib.*, p. 435. [7] *Ib.*, p. 538.

had deprived the Dean of his church and imprisoned him.[1]

But the supremacy of the English Crown in Ireland was almost destroyed by the invasion of Edward Bruce which took place in 1315, about a year after the battle of Bannockburn. Edward landed in Larne Lough in the North with an army of six thousand men, and was immediately joined by the O'Neills. The united forces marched to Dundalk, which was burned, and the neighbouring parts laid desolate. At Atherdee, not far from Dundalk, the inhabitants—men, women and children—who had taken refuge in the church, perished in the flames. Bruce wintered in Westmeath, whence he advanced through Leinster, and then returned to Ulster after defeating the English in many battles—his own troops having suffered greatly from the dreadful famine of 1316. Towards the close of this year, Robert Bruce arrived with reinforcements from Scotland. In the spring of 1317, the two brothers, at the head of twenty thousand men—Scotch and Irish—mercilessly ravaged Ireland from Carrickfergus to Limerick. In the words of Friar Clyn, a contemporary, "they passed through the whole country as far as Limerick, burning, slaying, devastating, sacking towns, castles, and even churches, both going and returning."[2] After the expedition, Robert Bruce returned to Scotland, leaving the army under the command of his brother.

In the following year the barons of Meath and Louth, under the command of the celebrated John de Bermingham, gave him battle and defeated him near Dundalk, when Bruce and his chief officers were slain.

[1] Rymer, i., p. 700. See also the curious case between Edward I. and the Bishop of Down, Ware i., p. 199.

[2] "Comburendo, occidendo, depredando, spoliando villas, castra et etiam ecclesias eundo et redeundo." Clyn's *Annals*, sub ann., p. 1,316.

The horrors of this invasion long dwelt in the memory of the Irish people. Its devastating effects and the universal misery caused by it are brought home to us by the words of the Irish annalist: "He [Bruce] rashly gave them battle, and was therein slain himself, as is declared, to the great joy and comfort of the whole kingdom in general, for there was not a better deed, that redounded more to the good of the kingdom, since the creation of the world and since the banishment of the Fine Fomores out of this land, done in Ireland than the killing of Edward Bruce; for there reigned scarcity of victuals, breach of promises, ill performance of covenants, and the loss of men and women throughout the whole kingdom for the space of three years and a half that he bore sway, insomuch that men did commonly eat one another for want of sustenance during his time".[1]

The effects of this invasion were disastrous socially and politically. The whole framework of Irish society was thrown into confusion. Respect for the central government was weakened, the authority of law and order was impaired, and the arbitrary power of the local chiefs over their dependants was enormously increased. It was from this period that the Anglo-Irish nobles began to renounce their allegiance, and to adopt the laws, language, dress and institutions of the natives. Both they and the Irish chiefs relapsed into the barbarism of anarchy and ceaseless contention. England was at this time engaged in a war with Scotland, and a Scotch war was even then certain to be followed by a conflict with France. Accordingly the long contest, which has been designated the Hundred Years' War, broke out a few years later, viz., in 1336, and the English sovereign saw himself powerless to maintain law

[1] *Annals of Clonmacnoise*, translated in 1627 by Connell M'Geoghegan. Four Masters, p. 521.

and order throughout the whole of Ireland. He therefore abandoned the prospect of reducing the Irish and degenerate English lords to obedience, and adopting a purely defensive policy, determined to limit English laws and customs to the small district which was subsequently known as the Pale. This was effected by the Statute of Kilkenny[1] in the fortieth year of Edward, that is, in 1366, and the whole of Ireland, outside the four home counties, was left to be governed by Irish chiefs and English barons who had renounced their civilisation. The inability of the English Kings to interpose a mitigating influence in the Irish dissensions, was prolonged by the Wars of the Roses to the reign of Henry VIII., who, as the representative of both branches of the royal house, was the first sovereign that for a hundred years held the throne by an undisputed title. Henry again assumed the sovereignty of the entire island. By conciliation and express agreements with the chiefs, both native and Anglo-Irish, he reduced the general anarchy to some degree of order. By these agreements the chiefs universally recognised the king as their liege lord, undertook to hold their lands from him, and renounced the usurped authority of the Roman Pontiff.[2] But unfortunately the English Reformation had brought with it troubles within the kingdom and dangers from without. Excommunicated by the Pope, and engaged in alternate wars with France and the Emperor, Henry had his hands too full to complete the pacification of Ireland. From the accession of his daughter, Elizabeth, we may date the active operations of the great conspiracy between the Popes and the Catholic Powers to subdue England and to extirpate the reformed religion. Ireland was the

[1] See the admirable analysis of this Statute by Mr. Richey in the ninth chapter of his *Irish History*.

[2] Richey, p. 363. *Carew Manuscripts*, iii., p. 16. Introduction.

weak point in her dominions, and against it the earliest and latest attempts of the confederates were directed. There was not an hour in the life of the great Queen that was free from the hostile machinations of the Popes and the kings of Spain. At the very commencement of her reign, as early as 1561, a Papal legate was despatched to Ireland to deny her title to the Crown and to stir up a rebellion against her.[1] In 1570, Pius V. issued his bull declaring her to be the servant of wickedness, and forbidding her subjects, under the awful sanction of anathema, to obey her laws. In 1578, Gregory XIII. equipped at his own expense an expedition to Ireland, and gave the command of it to an adventurer named Stukely, whom he created Marquis of Leinster. In 1579, he organised another invasion of Ireland, and sent with it a Papal legate, Sander, carrying a bull which termed Elizabeth the enemy of God and man, and contained a plenary indulgence to all who should fight against the English heretics. In 1580, a great league was formed between the Pope, the King of Spain, the Duke of Tuscany, and the Knights of Malta for a triple invasion of England, Ireland and Scotland,[2] and in the same year a separate Papal expedition, consisting of five ships of the largest class, full of soldiers and munitions of war, and commanded by a Papal officer, landed at Smerwick. In 1601, Clement VIII. encouraged, by every means in his power, the rebellion of O'Neill, and when a Spanish expedition, on a great scale, arrived in Kinsale, its generals at once issued a proclamation, calling upon the Irish to rise in the name

[1] Note of the Consultation held at Greenwich, May 1, 1561. Tierney's *Dodd*, ii., append. 322.

[2] State Papers, Venetian, vii., p. 630. Simpson's *Life of Campion*, 230. The terms of this league were known in Ireland in the same year, and were published at Waterford by one Eve. *Cox*, i., p. 267. *Carew Papers*, ii., p. 288.

of the Pope. Impeded and harassed on every side by conspiracies, rebellions and invasions, it was not until the Spanish Sea power was destroyed by the defeat of the Armada in 1588 and the terrible losses of the Spanish navy in 1596 and 1597, that Elizabeth was able to give an undivided attention to Ireland. The insurrection of Desmond in the South and of O'Neill in the North forced her to undertake the conquest of the whole country. The old system of separate incursions to reduce individual chiefs to obedience was given up. Permanent garrisons were maintained in localities as they were won. The fiery energy of the Irish, wasted among clans that had no cohesion and no common aims in view, yielded to the discipline and superior arms of the English. The last hopes of the chiefs to maintain their petty dynasties were dissipated by the defeat of Kinsale and the subsequent surrender of the Spaniards in 1602.

When Edward III. was compelled to confine his Government to the Pale, the Irish assumed the offensive, reoccupied the estates of the English, and perpetually assailed the districts still loyal to the Crown. The result was that the whole island, except four counties, fell into the possession of ninety independent princes, sixty native and thirty Anglo-Irish, who exercised absolute power and knew no law except their own will. The country under their sway became one scene of intestine wars, murderous forays, devastations and family contests. The Four Masters present us with a vivid picture of the sufferings of all classes. One can hardly open a page of their narrative at random that is not stained with blood. It is the saddest record of crime and savagery existing in the world. General statements are justly received with suspicion, but facts and details make an indelible impression. A few scenes taken from these annals, so late as the sixteenth

century, will enable us to judge of the state to which Ireland had been reduced by the universal anarchy. These scenes will illustrate the effects produced by family feuds, plundering incursions, captains' first expeditions and tribal wars. They are given in the very words of the annalists:—

1543. "Kedagh O'Melaghlin was inaugurated chief of the Clann-Colman in opposition to Rury O'Melaghlin. The Clann-Colman was not happy during the period of these two, compared to what they had been during the time of Felim; for during the time of these two, war and devastation, cold and famine, weeping and clapping of hands prevailed in the country. Rent and tribute were levied for each in Magh-Corrain, and though their career was but of short continuance, they nevertheless wrought innumerable evils. A nocturnal irruption was made by Rury and his kinsmen into the plain of Gailinn in Delvin and burned and plundered (*sic*) the plain. Melaghlin Balbh O'Madden and Art Mac Coghlan pursued them, and gave them battle at the church of Gailinn, where Cormac O'Melaghlin, the brother of Rury, and thirteen chiefs of his people were slain or drowned."[1]

1559. "A captain's first expedition was made by O'Carroll . . . against Mac-I-Brien of Ara. . . . On this occasion, O'Carroll at once devastated and totally ravaged the country from Bel-an-atha to Muilleain-Ui-Ogain. On the same day he slew Mac-I-Brien's brother. . . . Mac-I-Brien afterwards made a muster of his friends to go and avenge this dishonour upon O'Carroll; and as soon as his lordly bands had assembled around him, he marched forwards resolved to ravage the territory of Hy-Caerin on that expedition. Destiny had so disposed affairs for O'Carroll

[1] Four Masters, p. 1,483.

that he was on the summit of a hill in Hy-Caerin listening to the country around him; and it was from the foot of this hill on which O'Carroll was stationed that Mac-I-Brien sent forth a body of his scouts to plunder the districts. When his youths had sallied forth from him, he saw O'Carroll[1] approaching him in battle array and in fighting order; and not one of those who were there before him was able to withstand his strength or escape by flight. Every man of Mac-I-Brien's people able to bear arms was slain."[2]

1567. "O'Neill mustered a very numerous army to march into Tyrconnel against O'Donnell . . . to plunder and ravage the country, as he had done some time before when O'Donnell[3] was not able to govern or defend his principality or country in consequence of his own infirmity and ill health, and the strife and contention of his sons. . . . O'Donnell . . . despatched messengers to summon such of his chieftains as were in his neighbourhood. . . . Nor was he long in a depressed state of mind when he perceived numbers of his faithful people advancing towards him. . . . The troops of the Kinel-Connell rushed vehemently and boldly upon the army of O'Neill . . . they proceeded and continued to strike, mangle, slaughter, and cut down one another for a long time, so that men were soon laid low, heroes wounded, youths slain, and robust heroes mangled in the slaughter. In short the total of O'Neill's army that were slain and drowned in that battle was 1,300; some books however state that O'Neill's loss in this battle was upwards of 3,000 men. . . . There were not many houses

[1] "That is," says the editor of these annals, "O'Carroll did not make his descent from the hill until he perceived that Mac-I-Brien had sent forth the main body to plunder the district".

[2] Four Masters, p. 1,573.

[3] The father of the O'Donnell against whom O'Neill marched on this occasion.

or families from Cairluin to the river Finn and to the Foyle, who had not reason for weeping and cause for lamentation."[1]

1573. "A war broke out among the Dalcassians[2] themselves. On the one side in this war were Donnell, the son of Conor O'Brien, and Teige, the son of Murrough O'Brien. On the other were the sons of Donough O'Brien, *i.e.*, the Earl and Turlough . . . Teige, the son of Conor, to wreak his vengeance upon Teige, the son of Murrough, gathered the soldiers and disaffected gallowglasses of the Geraldines, and brought them with him across the Shannon to assist the sons of Donough O'Brien; and these were joined by numbers of the Butlers and of the MacSweenys, and by the forces of the Earl. All these forces met together at a place . . . where the river Forgas mingles with the sea. From thence they marched to wreak their vengeance upon the inhabitants of the upper part of Thomond, through the eastern part of the territory of Hy-Cormaic and the confines of Hy-Fearmic; and the cries and shrieks of the unfortunate people whom they plundered gave warning of their march in every place through which they passed. They then proceeded north-west by the confines of Corcomroe and Burren, and despatched through the country marauding parties, who collected to one place all the spoils of the country before night. They afterwards pitched a camp, but it was not a place adapted for rest, on account of the crying and wailings of women and widows, who were bewailing their wrongs after being plundered. When Donnell, the son of Conor O'Brien, and Teige, the son of Murrough, heard of the coming of this great army to oppose them, they immediately mustered all the forces they could and met at Carn-mic-

[1] Four Masters, pp. 1,611-1,617.
[2] The O'Briens.

Tail. . . . Teige, the son of Conor, and Turlough O'Brien arrived with their forces on the summit of the hill, and formed themselves into such array for fighting as they themselves considered proper. The other army and the inhabitants of the country were pursuing them up the steep and rugged side of the hill on which they were; but before they could come within shot of them the constables of Teige and Turlough were seized with trepidation, etc., so that they immediately took to flight. The others proceeded to mutilate, hack, and slaughter them by twenties and thirties, by twos and threes on the route from thence to Beann-Formala. . . . Noisy were the ravens and carrion crows and other ravenous birds of the air, and the wolves of the forest, over the bodies of the nobles slain in the battle on that day."[1]

1581. "John Oge and Con, sons of etc., proceeded with an army into Breifny O'Reilly, and plundered and totally devastated every part of Breifny through which they passed. The son of O'Reilly etc., and a large muster of the forces of the country, who had come in pursuit of the spoils, overtook them. The Kinel Owen[2] were not the better of that day's attack for many years, for the Reillys recovered the booty and defeated them. . . . A hosting was made by O'Neill . . . to take vengeance on the Reillys for this battle. He pitched a warlike, extensive, well-fortified camp in the very centre of Breifny O'Reilly, and then proceeded to destroy the country, including cattle, corn and mansions."[3]

1581. "Great dissensions arose between O'Donnell etc., and the son of his brother Con etc., upon which Con went over to the side of O'Neill etc., to wage war against his kinsman. He complained of grievances, and

[1] Four Masters, pp. 1,667-1,673.
[2] The O'Neills.
[3] Four Masters, p. 1,765.

reminded him of the old feuds that had existed some time before between the Kinel-Connell and the Kinel-Owen, so that he prevailed upon O'Neill to muster a numerous force to come to his aid against O'Donnell. . . . When O'Donnell was apprised of this, he immediately assembled all the forces that he could, although he was ill-prepared and disorganised, for he was subject to the Queen of England, and his friends were till then at strife with him, so that he was not prepared for war or hostilities. . . . O'Donnell advanced with his forces vehemently and boldly towards the camp of O'Neill, without waiting or delaying to draw up his men into any regular order or array. . . . They now came on with boisterous vigour, regarding the Kinel-Owen as of little account; . . . a furious and desperate battle was fought between them; and the celebrated proverb was verified on this occasion, *i.e.*, lively is each kinsman when fighting against the other. O'Donnell and his forces were at length defeated, and a great many of his people slain."[1]

1582. "The Seneschal before mentioned[2] came about the ensuing Allhallowtide into the western part of Roche's country. The two young sons of Roche, namely, John and Ulick, and all the inhabitants of the country, rose up at their shouts and gained the first battle over the traitors. They proceeded to pursue them beyond the boundary of the territory into the vicinity of their fastnesses in the woods and forests; but the plunderers turned upon the two sons of Roche and slew them and all those who were about them; and though a slaughter does not usually take place without some person escaping, a very small number only of those who had come in this pursuit escaped, for whole tribes, families, heads of districts, servitors and

[1] Four Masters, pp. 1,765-69.

[2] The head of a branch of the Desmond Fitzgeralds.

soldiers of the territory were slain. The constables of the Clann-Sweeny were also slain; in short, not more than fourteen men of the people of the territory who bore arms outlived this engagement; so that Roche and Maurice had afterwards to bring strangers to inhabit the territory."[1]

1592. "He (the Erenagh) inaugurated Hugh Roe, chief of the country, by order and with the blessing of his father; and the ceremony of conferring the name was legally performed, and he styled him O'Donnell on the third day of May. O'Donnell, Hugh Roe, did not permit those few troops he had then with him to disperse, but marched them both horse and foot into the neighbouring parts of the territory of the race of Eoghan, the son of Niall. No notice or forewarning of this movement had reached the others, for they did not think that he had perfectly recovered from his confinement, yet they did not intend to fly before the Kinel-Connell, neither indeed had it been their wont to do so from a remote period. By this small army of the Kinel-Connell the neighbouring parts of Kinel-Owen were plundered and burned; every one fit to bear arms whom they caught was put to the sword and slaughtered. The army also seized upon many spoils, and then returned back to their own territory."[2]

1599. "O'Donnell, etc., had resided at Ballymote, in the county of Sligo, from the gaining of the battle of Ath-Buidhe, in the beginning of August, to the festival of St. Bridget in this year. He felt it long to have remained during this time without going into some enemy's territory, but he knew not to what particular place he should go; for he had not left a quarter, limit, wilderness or recess in the whole province of Connaught the inhabitants of which he had not plundered, or from which he had not

[1] Four Masters, p. 1,777. [2] *Ib.*, p. 1,930.

taken pledges and hostages, save Thomond alone. Wherefore at the time aforesaid he ordered an army to be mustered to proceed into Thomond. . . . When all these chieftains had come with their forces to Ballymote to O'Donnell, they formed so numerous and vast an army that he sent a force into the territory of MacWilliam, while he himself should be in Thomond. . . . This force searched and mightily overran the country from the eastern extremity of Costello to Umhall of Clann-Gibbon, and during that excursion took the island of Leath Ardan and slew eighteen of the chief men of the Clann-Gibbon, besides many other persons. They carried off great preys, plunders and spoils on their return from the territory. As for O'Donnell and his forces, they marched forwards to proceed into Thomond, and made no delay until they arrived, without being observed, inside the river in Clanrickard, and in the evening they pitched an extensive camp of armed heroes at etc., between Kilcolgan and Ardrahin. . . . Thus they remained until midnight, when O'Donnell commanded them to rise up without delay to march into the neighbouring territory before the day should break upon them. They rose up forthwith and proceeded straight onwards by each direct road until by morning twilight they arrived . . . in Thomond. Here they formed marauding parties, and sent one of them northwards into Burren . . . and another party southwards. . . . Maguire, with a strong body of his forces, went forth to Inchiquin. O'Donnell himself proceeded, with the flower and main body of the army through etc., and before midday arrived at etc., in the upper part of Dal-glais. . . . Thither the spoils of all Kinel-Fearmic from Deseart to Glencolumbkille and to Tulach-Chumann, and from Cluain-Sailchearnagh to Leim-an-eich were brought to O'Donnell. . . . O'Donnell remained that night

encamped at etc., and left it before noon on the following day, and he then proceeded to Kilfenora, in the cantred of Corcomroe. From thence he despatched marauding parties southwards, . . . who returned to him to Kilfenora in an easterly direction loaded with spoils and booty. . . . When O'Donnell saw the surrounding hills covered and darkened with the herds and numerous cattle of the territories through which his troops had passed, he proceeded on his way homewards over the chain of rugged-topped mountains of Burren."[1]

1599. "Some gentlemen of the MacMahons of Oriel, with 100 soldiers, were hired by O'Carroll Calvagh, the son of etc., in the spring of this year; and at the time that their wages should be given them, O'Carroll with his people went to them by night and slew them on their beds and in their lodging-houses. He hanged some of them from the nearest trees. The party of one village, however, made their escape in spite of O'Carroll."[2]

1600. "On leaving the country O'Neill passed over the upper part of Slieve Bloom westwards, and sent forth three parties in one day to ravage Ely, because of the enmity he bore O'Carroll, Lord of Ely, . . . and in revenge of the base murder and intolerable massacre which he had committed upon the gentlemen of the MacMahons of Oriel, whom he had under his protection and in his service, as we have related in the preceding year. The evil destiny deserved by that wicked deed befel the territory of Ely on this occasion, for all its movable possessions, wealth and riches were carried away, and nothing left in it but ashes instead of its corn, and embers in place of its mansions. Great numbers of their men, women, sons and daughters were left in a dying and expiring state."[3]

[1] Four Masters, pp. 2,097-2,103. [2] *Ib.*, p. 2,137. [3] *Ib.*, p. 2,147.

The Anglo-Irish nobles were quite as savage as their Celtic brethren. The cases of the first Earl of Clanrickard, surnamed Ulick of the heads, of the Seneschal Fitzgerald, and of the Earl of Desmond have already been given. A letter from Rickard, second Earl of Clanrickard, detailing his own actions still survives. After stating that he had slain Donald and Dugald, cousins of Argyle, he goes on: "And after being at liberty I did, within one twelvemonth, hang my own son, my brother's son, my cousin german's son, and one of the captains of my gallowglasses, besides fifty of my own followers that bare armour and weapons; which the Archbishop of Tuam, the Bishop of Clonfert, and the whole corporation of the town of Galway may witness."[1] The following is taken from *Pacata Hibernia*[2]:—

1600. "The twenty-seventh [April], as Dermod Odwire informed the president by his letters, Redmund Burke with 600 men entered into his country to burn and prey the same, which to effect he divided his forces into three sundry parts. Odwire having assembled as many men as that short warning would permit, fell upon one of the divisions aforementioned, which consisted of 200 foot, of whom he slew 120 and many hurt. In revenge whereof, Redmund Burke upon the sixth of May following, having gotten as many men as he could assemble, entered the second time into the aforesaid country, where he slew man, woman and child, burnt all the houses, castles excepted, and drove away all the cattle of the country."

When we speak of a country as being barbarous, what do we mean? We justly call that country barbarous where tribal wars are interminable and ferocious; where no man, from the most powerful chief to the meanest clans-

[1] *Catalogue of Irish MSS. in the British Museum*, by Standish Hayes O'Grady, p. 375.

[2] I., 59.

man,[1] is sure of his life or possessions for twenty-four hours; where there is no compulsory criminal law and therefore no conception of crime and punishment;[2] where devastations and burnings are perpetual; where the ties of blood are disregarded; where the material life is sordid, and letters and arts unknown; where all progress is barred by its institutions and customs; where industry is scorned; where the teachings of morality are ineffectual; where marriage is despised and arbitrary separations from wedlock are usual. All these symptoms are observable in Ireland up to the beginning of the seventeenth century. Nowhere in the world was the amending hand more required. If the Papal See had renounced its political doctrines of deposing princes who differed from it in belief, and its purpose of restoring religion by violence or rebellion; and if the Jesuits and missionary priests had limited themselves to their spiritual duties instead of preaching an unCatholic mixture of religion and treason, that hand would have had full scope. The Irish chiefs would soon have learnt the things which belonged to their peace; the Elizabethan conquest would have been followed by tranquillity and prosperity, and would have introduced a system of purer morals, humane customs, and healing laws.

We are informed that the policy of England during the sixteenth century was a policy of extermination, and that her Government desired the confiscation of Irish

[1] "There can be little doubt but that many of the innumerable depositions and assassinations of chiefs sprang from the Septs' hope that a change of ruler might lighten their burdens, which must in many instances have been well-nigh intolerable." *Catalogue of the Irish MSS. in the British Museum*, p. 365.

[2] The Brehon law did not come into operation until the criminal voluntarily submitted. There was therefore no punishment for a native who murdered an Englishman any more than for an Indian who scalped a white man. This was the reason why the killing of an Irishman was not by the English law felony, but punishable only by a fine.

land.[1] The former assertion may be dismissed with the feeling which arises when we are told such fables as that the Gunpowder Plot was a "State trick of Cecil,"[2] that there were no massacres in 1641, and that the rebellion of 1798 was wantonly provoked for the purpose of carrying the Legislative Union. The latter is equally unfounded. Probably there never was a Government which showed such unwillingness to confiscate the possessions of those who rebelled against it as the English Government in Ireland. Such was its forbearance to exercise its just rights, that insurrection was almost certain to be followed by restoration. Rebellion was often a successful policy. "What, thou fool," said an Irish chief to one whom he found slow to join in an insurrection, "thou shalt be the more esteemed for it. What hadst thou if thy father had not done so?" The editor of O'Sullivan's history mentions one chief who received from Elizabeth "five general pardons at different times for treason".[3] Of the seventy-two chiefs and captains who rose in the general insurrection, 1595-1603, can one be mentioned whose lands were confiscated? Was not the whole of Ulster restored to the O'Neills, the O'Donnells, the O'Kanes, the O'Doghertys, etc., who had joined in the same rebellion? On the accession of James in 1603, he published a general Act of indemnity and oblivion, extinguishing all offences against the Crown, and granted special charters of pardon to "many thousands" of those who had been engaged in the late insurrection.[4] "The greatest latitude of assertion," says the Rev. Dr. O'Conor, "with the least shadow of proof is observable in almost all modern writers who have meddled with Irish history."

[1] Lecky, ii., p. 99.

[2] Curry, one of the chief authorities of the school to which Mr. Lecky belongs makes this statement. *Review of the Civil Wars, etc.*, i., p. 79.

[3] *Hist. Catholicæ Compendium*, p. 89, note.

[4] Preamble to the first Irish Statute passed in the reign of James. II. *James I.*, c. 1.

CHAPTER IV.

HOSTILITY OF THE ROMAN CATHOLIC BISHOPS, CLERGY AND LAWYERS TO PROTESTANT KINGS DURING THE REIGNS OF ELIZABETH, JAMES I. AND CHARLES I.

If we may trust the lessons of history, a complete conquest, such as that of Elizabeth, leaves but little rancour and bad blood behind it. Like a convulsion of nature, it appears to weaken the remembrance of the past and to direct the minds of the conquered to the hopes of a future. A few years after the Norman conquest we find the native English crowding to the standard of William Rufus, and demanding to be led against some of his nobles who had risen in insurrection. The subjugation of Celtic Gaul occupied a period of nine years of general war, and cost a million of lives. But once the conquest was achieved, Gaul accepted her destiny, and, as a French historian [1] expresses it, laboured to transform herself and to become Roman. Within a marvellously short period her inhabitants adopted the language and civilisation of Rome, dedicated temples and altars to the Emperors and City, and shared in the glories of the empire.[2] Other examples readily suggest themselves; as that of Persia after its conquest by Alexander the Great; and in our own times, the loyal submission of the warlike Sikhs and their

[1] Amédée Thierry.

[2] As early as 12 B.C. an altar, dedicated to the city and Augustus, was raised near Lyons by the sixty peoples of Gallia Comata. Juvenal alludes to this altar in his first *Satire*.

perseverance in it during a time of unexampled temptation. How it came to pass that the Irish people, who were distinguished for their sympathy with other races, as shown by their memorable efforts to spread the Gospel of Christ in Scotland, the North of England, and Western Europe, refused to be reconciled with the English, and how, at the turning point of their national life, they chose the downward path towards discord and confusion, may be learned from a careful study of the interval between the Elizabethan Conquest and the Great Rebellion of 1641. The study is a melancholy one, for the backsliding of a people, endowed with so many noble and hopeful qualities, is one of the most pathetic incidents in the history of Europe. These years determined the fate of Ireland for many generations down to our own times.

There is no reason to doubt that, if the Irish branch of the great Celtic family had been left to itself, it would gladly have accepted a complete incorporation with the English people. But, unhappily, a foreign influence forbade the union and raised up a lasting wall of division between the two nationalities. The Popes claimed Ireland as their peculiar property, denied the title of the English kings, and exhorted their subjects to refuse allegiance and obedience to them. Their bishops and priests taught the people that the English sovereigns had forfeited their rights by heresy, that they were usurpers, and that it was necessary to salvation to fight against them. The pious Irish Franciscan, Father Walsh, declared in 1670, that all the troubles and afflictions of the Roman Catholics, both in England and Ireland, sprang from the seditious practices engendered by the politico-religious doctrines held by the Papistic members of their community, and that these doctrines were contrary to the Gospel, and

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were subversive of all law and government. He gives in detail twenty-eight of the anarchical tenets which were taught in the foreign seminaries in which the Irish clergy then received their education. The series is too long to be here given in full; a few only of the doctrines are therefore quoted:—

By divine right the Pope is the Universal Governor of the world and the fountain of all jurisdiction, spiritual and temporal; to enforce his claims, he has the absolute power of the two swords.

He may depose all princes, and absolve their subjects from their oaths of allegiance, and from the antecedent ties of God and man.

He may command subjects to take arms against a prince excommunicated or deposed by him.

Antecedently to any judgment or sentence pronounced by the Pope, heresy does *ipso jure* incapacitate and deprive of the Crown and all other, not only royal but real and personal rights whatsoever.

A heretic King is a manifest usurper and tyrant, and is therefore *ipso jure* outlawed; and all his subjects are likewise *ipso jure* absolved from the ties of allegiance and obedience.

The Pope can suspend, correct, alter, or utterly abolish any royal or municipal constitution, custom or law in any state or kingdom.

All ecclesiastical persons, men and women, secular and regular, are exempt from the jurisdiction of temporal courts. [1]

It is certain that the principles mentioned by Father Walsh were inculcated in the seminaries to which the Irish clergy then resorted, and were propagated by the Jesuits and missionary priests throughout England and Ireland. The schools in which the Irish ecclesiastics received their education were Douay,[2] Louvain, St. Omer, and the Spanish universities. Most of these institutions had been founded by the labours of Cardinal Allen and Robert Parsons—the respective heads of the two missionary

[1] "Address to the Catholics of England, Ireland and Scotland," pp. 6-9. Prefixed to his *History of the Irish Remonstrance*.

[2] In 1578 the establishment of Douay was removed to Rheims, where it flourished for fifteen years under the patronage of the Guises and then returned to Douay.

bodies, the seminary priests and the Jesuits—who taught "that it is certain and of faith—that is, necessary to salvation—that any prince who deflects from the faith does instantly fall from all power and dignity by the very force of human and divine law."[1] These tenets were upheld in their books by Stapleton, professor of divinity at Douay, and subsequently at Louvain; by Bristowe, prefect of studies at Douay; by Sander, Papal legate to Ireland in 1579; and by many others. Cardinal D'Ossat, who resided for twenty years at Rome, has left us an account of the politico-religious education furnished by these schools to the young men who attended them: "For this purpose" (to support the claims of Philip II. and his successors to the English Crown) "colleges and seminaries have been expressly established for English youths by the Spaniards at Douay and St. Omer. Young gentlemen of good families are received into these institutions, in order that they may influence their relations and friends in England. The principal aim of these schools has been to catechise, educate and rear young English gentlemen in the belief and firm faith that the late King of Spain[2] had, and that his family now has, the true right to the Crown of England, and that the furtherance of this claim would be advantageous to the Catholic religion, not only in England but throughout Christendom. When these youths have finished their secular studies in the Low Countries, they are removed to Spain in order that they may be

[1] For the sentiments of Parsons see Sir John Throckmorton, *Letters to the Catholic Clergy*, p. 129. For those of Allen, see his Letter on the betrayal of Daventry to the Spanish King, and his Admonition to the Nobility and People of England, 1687. Parsons compelled the English students in the Spanish seminaries to acknowledge the Infanta as their lawful Queen. *Calendar, State Papers, Domestic, Elizabeth*, 1601-3, p. 170. The same statement is made in the *Important Considerations*.

[2] Philip II. died in 1598. The letter of Cardinal D'Ossat was written after his death.

made thorough Spaniards. There they are instructed in philosophy and theology, and confirmed in the holy faith that the kingdom of England belonged to Philip II., and now belongs to his family. When the young men have gone through these studies, those of them who are considered to be the most hispaniolated and the firmest believers in the 'credo Espagnol,' are sent to England to spread that faith, to gain converts to it, to act as spies in the country, and to give information to the Spaniards of the readiest means of subjecting the kingdom to Spain[1]." We have already had under our consideration the judgment of the universities of Salamanca and Valladolid, declaring that those Roman Catholics, who fought on the side of the English in the insurrection 1595-1603, were guilty of mortal sin, from which they could not be absolved until they had deserted.

The political and social changes, which followed the Elizabethan conquest and the settlement of the country by James, threw an immense increase of authority into the hands of the Roman Catholic hierarchy. The Irish chiefs, both native and Anglo-Irish, had been, during their tenure of power, but little troubled with religious scruples or dogmas. In the reign of Henry VIII., they vied with each other in renouncing the supremacy of the Pope. In their domestic wars they spared neither churches nor monasteries.[2] The eighth Earl of Kildare burned the Cathedral of Cashel, hoping, as he declared, that the Archbishop was inside the building. Shane O'Neill burned the Cathedral

[1] *Lettres du Cardinal D'Ossat*, 5, 50. Ed. 1708.

[2] Non tantum exteri sed etiam indigenæ iniquiores olim fuerunt in vetera et sacra monumenta. Nam cum illi, sive inter se, sive etiam cum Anglis de summa rei bello contenderent, tanto ardore et impetu obvia quæque vastabant, ut neque ecclesiarum tabulariis, neque ipsis sanctarum reliquiarum scriniis parcerent ab incendiis." Routh, *Analecta Sacra*, 348. Dub. Ed., 1884.

of Armagh. When Desmond took the town of Youghall in 1579, he indulged his followers in sacrilegious excesses, which, according to a Roman Catholic author, brought down the vengeance of God upon himself and his family. The churches, and whatever was sacred, were polluted and defiled by his soldiers, who brought everything to desolation, making havoc of sacred vestments and chalices.[1] The same author informs us that Hugh O'Neill, Earl of Tyrone, robbed and spoiled the monasteries of Timnalague and Kilcrea, and profaned other churches. But the power and consequence of the local chiefs fell with the disappearance of the tribal or clann system and the admission of their dependants into the immediate protection of the King; and the easy indifference of the Irish in religious matters vanished at the same time. Another order of men, brought up in the doctrines of Bellarmin, Suarez, Robert Parsons, Sander, Fitzherbert, etc., took the places of the tribal lords. The mass of the Irish people was utterly uncivilised and ignorant. Emancipated from the only subordination with which they had been acquainted, they naturally turned for guidance to their clergy. By the fall of the temporal nobility, the bishops were left the absolute masters of a people who had been lately subdued, who were unaccustomed to orderly habits, and who were suddenly placed under new conditions of life. The destiny and future prosperity of Ireland rested in the hands of these new leaders. If they had co-operated with and given a cordial assistance to the English Government in its efforts to introduce law and order, all would have been well. Ireland would have been spared the long series of calamities which were still in store for her, and which were connected

[1] *Theatre of Catholic and Protestant Religion*, quoted in *Phelan's Remains*, ii., p. 248. This book, Cardinal Moran says, was published in Paris, 1620.

together like the links of a chain, each preceding disaster necessarily entailing the subsequent one; namely—the rebellion of 1641 with its attendant massacres; the eight years of internecine war; the conquest of Cromwell, and the forfeiture of their estates by the Roman Catholic nobility and gentry; the attempt of the dispossessed proprietors to regain their estates in the reign of James II., with its tremendous Act of Attainder; and the penal laws respecting status and property in the reigns of William and Anne.

But whilst we deplore the lamentable consequences of the refusal of the Roman Catholic bishops to support the English Government, we ought to give due attention to the reasons which produced it. History proper knows nothing of praise or blame, of indignation or justification. Its office lies wholly with causes and effects—to discover the former and to delineate the latter. These prelates were right from their own point of view. They were men of exemplary life, and sincerely desired what they considered the welfare of their country and of their Church. To them there was but one authority on earth—to interpret the oracles of God and to regulate the conduct of men. That authority had lately declared that it was divinely appointed "supreme over all nations and kingdoms to pluck up, to destroy, to scatter, to crush, to plant, and to build".[1] Their line of action was dictated to them by the Papacy, which was opposed to the rule of a Protestant sovereign. They knew that for upwards of forty years

[1] "Regnans in excelsis, cui data est omnis in cœlo et in terra potestas, unam sanctam Catholicam et Apostolicam ecclesiam, extra quam nulla est salus, uni soli in terris, videlicet, Apostolorum principi Petro, Petrique successori Romano pontifici, in potestatis plenitudine tradidit gubernandam. Hunc unum super omnes gentes et omnia regna principem constituit, qui evellat, destruat, dissipet, disperdat, plantet, et ædificet." Bull of Pius V. against Elizabeth.

before the accession of James I. the Roman Pontiffs had endeavoured to restore the Roman Catholic religion in England and Ireland by the weapons of the flesh; and that they had struggled to dethrone Elizabeth and to prevent the accession of James, merely because those princes differed from them in belief. The lessons taught the Irish bishops by their Supreme Pastor could not be mistaken or forgotten. During the whole reign of Elizabeth, the Popes had treated her as if she had been an outcast from the community of Christian princes. They invaded her territories, instigated conspiracies and civil wars amongst her subjects, organised combinations of the Catholic Powers to attack her, and called upon every Roman Catholic in her dominions, under the awful sanction of an anathema, to offer a perpetual hostility, to her and her Government. Clement VIII. had only lately manifested his opposition to the succession of a Protestant in the person of James. In 1602, he sent three briefs to his Nuncio in the Low Countries, to be published in England as soon as that ecclesiastic should be informed of the death of Elizabeth. One was addressed to the clergy, one to the nobility, and the third to the people.[1] By these briefs the estates of the realm were enjoined to bind themselves to receive as their king a Roman Catholic named by the Pope, and were forbidden to aid any competitor who would not restore the Catholic religion, and pay obedience to the Papal See. Two of the briefs, together with the Pope's letter to the Nuncio, were actually sent to Garnet, the Superior of the Jesuits in England. The Papal letter ordered the Nuncio "whenever that miserable woman should die" to spare no labour to certify the event to Clement, and to "divulge the briefs in England by his

[1] *Lettres du Cardinal D'Ossat*, v., p. 55.

authority and in the Pope's name, whose assistance should not be wanting". Garnet subsequently affirmed that he had destroyed the briefs on the peaceable accession of James, but not until he had shown them to Catesby and others who were shortly afterwards engaged in the Gunpowder Plot. The effects of these briefs were immediate. In England, they produced two conspiracies of the Roman Catholics in the first year of James's reign, and the Gunpowder Plot in the third. Catesby, the originator of the plot, when remonstrated with as to his plan, declared "that, it being lawful by the force of the briefs of the Pope to have kept King James out, it was lawful now to put him out".[1] In Ireland, where every motion and affection of the Papal Court was immediately known, the opposition of Clement to the accession of James produced a short-lived rebellion in the towns of Cork, Waterford, Limerick, Clonmel and Cashel, which might easily have assumed alarming proportions, and which required the advance of Mountjoy with an army, before those towns would acknowledge the title of James.[2]

That the Irish Roman Catholic bishops were, during the period under consideration, thoroughly disaffected, admits of no doubt. They all believed the tenet that the Pope possessed the absolute right of deposing princes and of absolving their subjects from their allegiance. Some, if not all, held that, as the English Kings had not observed the conditions prescribed in Adrian's gift to Henry II., they had forfeited their title to Ireland, which had reverted to the successors of the grantor. Routh, Bishop of Ossory, and Vice-Primate of Ireland, advanced this position in his *Analecta Sacra*. He says: "The hereditary

[1] Confession of Henry Garnet, *Jardine's Gunpowder Plot*, appendix.

[2] A brief relation of the Rebellion of the City of Cork. *Carew Papers* 1603-24. p. 7.

right of the English Kings to Ireland was derived from the Roman See, and depends upon the same conditions on which it was originally granted".[1] It is difficult to see how the Irish bishops could have dissented from these two tenets and yet have preserved their reverent obedience to the Roman See. The Popes had often put the first in practice, as in the case of Henry VIII. and Queen Elizabeth, and they always maintained that the conditions of the bull of Adrian IV. had not been kept. Thus Innocent X., in his instructions to his legate, Rinuccini, says that the conditions had been violated.[2] In 1626 Urban VIII. urged the Kings of France and Spain to join with him in an attack on Charles I., "because, in addition to the rights he had against that King as an enemy of the Catholic faith, he was possessed of a just title to Ireland which belonged in direct dominion to the Holy See".[3] The Irish bishops, like all other Roman Catholic bishops, were bound to the Pope by "an absolute oath of fealty such as vassals made to their immediate lords".[4] At their consecration they swore "to preserve and defend the royalties of St. Peter against all men; that they would not be concerned in counsel, act or treaty in anything prejudicial to the Pope, or his right, honour, state or power; and that they would obey all Papal mandates."[5] As the Popes claimed Ireland as their peculiar property, its bishops must have furthered that claim by every

[1] Page 119; see also page 143.

[2] Aiazzi, *Nunziatura in Irlanda*, translated by Miss Hutton, with the title *Embassy of Rinuccini*, xxix.

[3] Extracts from the *Life of Urban VIII.*, Tierney's *Dodd*, v., append., p. 358. Tierney also gives Urban's letters to the French and Spanish Kings, urging them to attack England.

[4] Sir John Throckmorton, *Letters to the Catholic Clergy*, p. 26.

[5] The oath is given in Walsh's *Hist. of the Irish Remonstrance*, p. 19, and in Throckmorton's *Letters to the English Catholic Clergy*, p. 27.

means in their power. During the reign of Elizabeth they were the principal means of communication between the insurgents and the King of Spain. Many of them were in the interest and some of them in the pay of the Spanish Monarch. Oviedo, Archbishop of Dublin, was the messenger between Desmond and Philip II., and as he says himself, in a letter to Desmond, "prætermitted nothing which might tend to your profit as well as to that of our Catholic master".[1] Cornelius O'Melrian, Bishop of Killaloe, "acted on the Continent as the representative of the Earl of Desmond and the other confederated Irish leaders".[2] James O'Hely, Archbishop of Tuam, was the medium between O'Donnell and Philip II. to demand the succours which that King had promised to the northern rebels.[3] Owen MacEgan, Bishop of Ross and Apostolic Vicar, when the Spaniards invaded Ireland, excommunicated all those who should give quarter to the Queen's soldiers, and as soon as any prisoners of his own religion were brought before him "he caused them first . . . to be confessed and absolved, and instantly in his own sight would he cause them to be murdered".[4] We can observe no change in the sentiments of these prelates after the accession of James I. They still bestowed their affections on foreign princes rather than on their own sovereign. In 1617 they presented an address to the Spanish king, and attempted to restore their old connection with that monarchy. "Calling to mind," they wrote, "the hereditary zeal with which your Majesty is accustomed to propagate and promote the Catholic faith, we, though afflicted and distressed, are yet raised to some

[1] *Pacata Hibernia*, i., p. 200.

[2] Bishop, now Cardinal, Moran. Introduction to the *Analecta Sacra*, p. 21. Carte, Introduction, p. 57.

[3] O'Sullivan, *Hist. Cathol. Compendium*, p. 161.

[4] *Pacata Hibernia*. ii., p. 663.

hope of comfort when we turn our eyes to that sceptre and diadem, from which both we and our fathers have received solace in tribulation and shelter in the storm." [1] About the same time Routh published abroad and anonymously his *Analecta Sacra*. There probably never was a more seditious book issued under the name of religion, or one containing more malicious accusations against a Government. Two dedications were prefixed to this work, one to the Emperor and the orthodox kings and princes, the second to the Prince of Wales. In 1626, Peter Lombard, Archbishop of Armagh, presented to Pope Urban VIII. his *History of Ireland*, in which the author maintained that "Ireland was the ancient property of the Holy See, and that its inhabitants rejected any temporal sovereignty but that of the Roman Pontiff." [2] Two years later Heber Mac Mahon, successively Bishop of Clogher and Down, was privy to an intended general rebellion, which was to be supported by French forces. The year 1628 was fixed on for the attempt, but the unexpected protraction of the war in Italy engrossed the attention of Richelieu, and the enterprise was abandoned.[3] In 1634, the same prelate requested Sir George Radcliffe to grant him a private interview. On obtaining it, he fell upon his knees and confessed "that there was a general rising designed in Ireland to be seconded and assisted from abroad, and that he himself had been employed several years on that account in foreign Courts, soliciting supplies to carry on that work for the good of religion".[4] But what concludes the question is the conduct of the

[1] *Analecta Sacra*, p. 270; *Hibernia Dominicana*, p. 636.

[2] Dr. O'Conor, *Hist. Address*, i., p. 91.

[3] *Confession of Lord Maguire.*

[4] Carte, i., p. 155. Clarendon, *Irish Rebellion*, 187. Dr. O'Conor, *Hist. Address*, ii., p. 208.

Irish bishops on the breaking out of the rebellion in 1641. Five months after that event, the Synod of the Province of Armagh declared the rebellion to be a lawful and holy war, and two months later, a General Synod of the bishops and clergy pronounced it to be just and lawful, and excommunicated all who should "forsake the Catholic union and cause," or assist in anyway their enemies.[1]

The bishops received a vigorous and submissive support from another order of men, to whom the late changes had also given political importance, namely, the Roman Catholic lawyers of the Pale. The introduction of the English law of descent, the abolition of Tanistry and Gavelkind, and of the Brehon law, made the advice of this class a matter of necessity to the natives who were unacquainted with the new rules. These gentlemen were the sons or relations of the lords and gentry of the Pale, and were educated at the same seminaries to which their clergy resorted. We find it stated in a letter addressed to the Spanish regents of the Netherlands in 1613, that upwards of eighty sons of the Irish nobility and gentry had been educated at the college of Douay alone up to that date.[2] In these seminaries they met the Irish youths, many of them their own relations, who were destined for the priesthood, and shared with them the common instruction. The lawyers were also imbued with the doctrine that the Pope was the supreme legislator, and that he was possessed of the power of deposing kings. In 1613, a deputation from the Roman Catholic lords and gentlemen repaired to London and waited on the King. At an audience where all were present, James proceeded to question them on different subjects; at last

[1] Carte, i., 316. The Acts of these Synods are given in the *History of the Irish Confederation*, i., p. 290, ii., p. 34.

[2] *Calendar, Carew Papers*, 1603-14, p. 285.

he inquired what their opinion was of the doctrine of Suarez, that the Pope could depose kings, and give their subjects permission to kill their prince for the cause of religion. Some of them answered that they thought he could, or that it was in his power. William Talbot, late Recorder of Dublin, and Thomas Luttrell were remarked to be the most peremptory in their expressions. About the same time, some intercepted letters of Sir Patrick Barnewall, another lawyer, having been laid before the privy council, that gentleman was compelled to make a written apology renouncing the deposing and killing doctrine.[1] Like their bishops and clergy, all the Roman Catholic lawyers refused to take either the oath of supremacy or that of allegiance. The oath of allegiance was perfectly free from any objection on the score of religion,[2] and merely required an acknowledgment of the king's title, a promise of allegiance in spite of any papal sentence or deposition, and a denial of the tenet that excommunicated princes might be deposed or murdered by their subjects. A refusal to take the oath was equivalent to an acceptance of the tenets to be forsworn, and to a denial that the King was entitled to allegiance in case of his being deposed by the Pope. The

[1] *Desiderata Curiosa Hibernica*, vol. i., pp. 231-4.

[2] The oath of allegiance devised by James I. to satisfy the scruples of his Roman Catholic subjects was not required by any Irish statute, but it was frequently tendered to persons whose loyalty was doubtful. It is now admitted by all Roman Catholics that it was free from any objection. James II., when Duke of York, took it, and declared his intention of enforcing it when he should be king. Dr. O'Conor says: "There is nothing in it which any Catholic is not *bound in conscience* to swear to, whenever it is proposed by the legitimate authority of the State". Blackwell, the archpriest, to whom the government of the English and Scotch Roman Catholics was entrusted, took it himself and advised his flock to take it. Every affirmative proposition in the oath respecting the rights of an English king, and every denial of the Pope's deposing and absolving power, have since been accepted by Roman Catholics over and over again in their oaths and petitions.

subject who refused to take it must have held that James was only conditionally King, that is, until the Pope should depose him. It would have been clearly impolitic to promote to offices of trust individuals who held such opinions. Yet one of the accusations against the English Government is that these persons were not appointed magistrates throughout Ireland and mayors of the principal towns. The charge would be unreasonable if true, but it is unfounded. Though the statute of Elizabeth made the oath of supremacy a qualification for office, the Government frequently appointed Roman Catholics to office without making any nice inquiry into their religious opinions. At first, after the accession of James and after his title had been questioned in the southern towns, the statute was enforced, but as the country appeared to settle down, the rule was relaxed. Thus we find Willam Meade recorder of Cork, William Talbot recorder of Dublin, and Sir John Everard judge of the King's Bench in the reign of James. We shall presently see that, in the reign of Charles, Roman Catholics were freely promoted to office.

With the knowledge that the bishops and lawyers were imbued with principles which were subversive of all authority in the hands of a Protestant prince, and that the Jesuits, missionary priests, and friars were teaching that the English king was an heretical usurper, to whom no obedience was due, we are in a position to understand the extraordinary phenomenon presented by Ireland during the reigns of James I. and Charles I.—namely, a country rapidly advancing in material prosperity, and an ever increasing disaffection amongst its inhabitants. Throughout the whole of these forty years, we can observe two antagonistic forces working side by side; the constructive efforts of the English Government to introduce civilisation and order, and the destructive endeavours to frustrate

those efforts by implanting hatred and distrust of the English Sovereign and his Ministers. All authorities are agreed that the industrial progress of the island between the death of Elizabeth and the Great Rebellion was marvellous. For the first time in 250 years Ireland was self-supporting. The soil had been greatly improved by the introduction of new modes of husbandry with which the natives had hitherto been unacquainted; profitable employments and manufactures had been established: that of linen made such a sudden start that many historians were led to believe that it was first introduced by Strafford. The value of lands and rents had increased. In 1640 the customs amounted to nearly four times the sum which was received from them at the commencement of the century. Shipping had increased a hundredfold; and the export trade was in the most satisfactory condition.[1] Taxation was very light. During the twenty-two years of James's reign, when the country was recovering from the calamities of the late general insurrection, the whole sum granted him by the Irish Commons did not exceed one subsidy of £35,000,[2] that is, less than £2,000 a year. In the sixteen years of Charles, down to 1641, when general improvement had set in, the grants amounted to £30,000 a year.[3] But

[1] For testimony as to the prosperous condition of Ireland immediately before the outbreak of 1641, see Clarendon, *Irish Rebellion*, 6-9. Leland, iii., p. 41. O'Conor, *Hist. Address*, ii., p. 255. Carte, i., p. 87.

[2] Ryves; *Regiminis Anglicani Defensio*, lib. ii., p. 8. Sir Thomas Ryves or Reeves, was a Master in Chancery and Judge of the Prerogative Court. He sat for the town of Monaghan in the Parliament of 1613. *Journals of the Irish Commons*, i., 9.

[3] In their Remonstrance of 1640 the Irish Commons stated that they had granted to the Crown (1) £150,000, a sum which they had formerly described as "loan monies, or contributions by them forgiven" (*Knowler* i., p. 311); (2) a free gift of £120,000; (3) a gift of £40,000; (4) six subsidies in 1634, amounting to £250,000; and (5) "four entire subsidies in this present Parliament". The first mentioned sum of £150,000 was entirely imaginary (Carte, i., p. 109). Of the four last mentioned subsidies, only

all this appearance of prosperity was deceptive, the elements of disintegration were at work, and the unhappy country was honeycombed with conspiracies and disaffection.

£70,000 was collected, in consequence of an order of the Commons that they should be collected in a manner directly contrary to the terms of the original grant (Carte, i., 102). The sum actually granted down to 1641 was £480,000, or £30,000 a year for the sixteen years of Charles's reign before the Rebellion year, when all collections ceased.

CHAPTER V.

CONSPIRACIES DURING THE REIGNS OF JAMES I. AND CHARLES I.—SOCIAL AND POLITICAL CONDITION OF THE ROMAN CATHOLICS—THE TRUTH ABOUT THE PROPOSED PLANTATION OF CONNAUGHT.

In the first year of James's reign, the revolt of the southern towns occurred; in the third, the conspiracy of the two Earls—Tyrone and Tirconnell. The design of these conspirators was to kill the Lord-Deputy and his Councillors, to possess themselves of the Castle of Dublin and the munitions of war contained in it, and then to declare themselves in open rebellion. To support the enterprise, an envoy was sent to the Archduke to solicit assistance.[1] Some Irish writers have affected to doubt the existence of this conspiracy, but, as Dr. O'Conor says, "it was as real as any fact in history".[2] We have the evidence of Carew, of Lynch, the author of *Cambrensis Eversus*;[3] of Lord Delvin, who was himself engaged in

[1] *Carew Papers*, 1603-24, p. 279.

[2] *Historical Address*, ii., p. 229.

[3] "Hic [Richard Nugent, Lord Delvin, who confessed the conspiracy] Moynotae, quod præcipuum Comitis Kildariæ domicilium est, sub annum 1605, cum Tyroniæ Tirconnellisque comitibus in colloquium venit, in quo statutum est omnium assensu, ut religionem imminentis ruinæ periculo armis subtraherent. Cujus consilii cum alium sui ordinis conscium fecissent, in spem certam elati fore ut ad religionem tuendam facile adduceretur, cœpta in fumum abierunt, illo susceptas molitiones ad senatum regium deferente. Quod ubi Tironiæ Tirconnelliæque comites obaudierunt, in fugam aversi saluti suæ consuluerunt." *Supplementum Alethinologiæ*, p. 186. See also Moore, *History of Ireland*, iv., p. 153.

it;[1] and the corroboration of Delvin's confession by Mabel, Countess of Kildare.[2] That the guilt of the two Earls was believed by all the leading Roman Catholics of Ireland is shown by what occurred when it was proposed in 1613 to pass an Act for their attainder and the confiscation of their estates. The matter was referred to the judgment of the Roman Catholic bishops as to the way in which the members of their community should vote. The bishops determined that the measure should be allowed to pass.[3] The bill was brought in by Sir John Everard, leader of the Roman Catholic party in the Commons, and was passed unanimously, and, as a member who was present assures us, with universal acclamation.[4] It is worth remembering, that these confiscations were afterwards put forward as one of the causes of the rebellion.

In 1608 occurred the rebellion of Sir Cahir O'Doherty, which, as O'Sullivan tells us, that chief was resolved to carry on until the return of Tyrone, Tirconnell, and the other fugitives with aid from the Catholic princes.[5] In 1614, there was a conspiracy to massacre all the English in Ulster except three, who were to be spared in order to exchange them for Sir Neale O'Donnell, Sir Donel O'Cahan and Sir Cormac M'Baron O'Neill.[6] During the six years—1628-34—we know from the confessions of Lord Maguire and the Bishop of Clogher, that frequent applications were made to foreign courts for assistance, and that general risings were planned. The French historian, Mazure, tells us that during the siege of Rochelle in 1628, envoys from

[1] Confession of Lord Delvin, *Calendar State Papers*, Ireland, 1606-8, p. 320.

[2] *Ib.*, p. 345.

[3] O'Sullivan, *Hist. Cathol. Compendium*, p. 328 and note.

[4] Ryves, *Regiminis Anglicani Defensio*, lib. ii., p. 10.

[5] O'Sullivan, p. 273.

[6] *Calendar State Papers*, Ireland, 1615-25, preface, p. 8.

Ireland proposed to Cardinal Richelieu to cede Ulster to France, and to separate Ireland from England; and that, after the death of Richelieu, the negotiations were resumed, and that the envoys, two of whom were the Roman Catholic Primate of Ireland and a bishop, actually signed a cession of Ulster to France.[1] In 1639 the English Ambassador at Madrid wrote to his Government that he had discovered a conspiracy between the fugitive lords and some of the Irish bishops at home; and that two archbishops and two bishops, whom he names, had sent invitations to those lords, assuring them that Ireland was ripe for rebellion, and telling them that they were not "sons of good Catholics" if they did not seize the opportunity of relieving their country and religion.[2] We are now able to estimate the significance of the letter which Charles I. wrote to the Irish Lords Justices in March, 1641, intimating that "an unspeakable number" of Irish priests had lately come from Spain, and that a whisper ran among the Irish friars there that a rebellion was expected in Ireland.[3]

To understand thoroughly the interval between the death of Elizabeth and the great Rebellion, it is desirable to state exactly and fully what the social and political condition of the Roman Catholics was before 1641. The necessity of making the subject clear will excuse some repetition. The only statutes which affected them were the Acts of Supremacy and Uniformity. By the former the oath of supremacy was made a qualification for office.[4]

[1] *Histoire de la Révolution de* 1688, iii., p. 399.

[2] Clarendon, *State Papers*, ii., p. 69.

[3] Carte, Appendix of Letters.

[4] In 1612 six Roman Catholic Lords of the Pale stated, in a petition to King James, that the Act of Supremacy was "sparingly and mildly" executed during the reign of Elizabeth. See the petition in Leland, ii., p. 443.

It is a universal rule that every oath should be taken in the sense affixed to it by the authority which imposes it. Queen Elizabeth declared in her *Admonition*, published contemporaneously with the oath, that she claimed no spiritual authority, but merely jurisdiction over all persons born within her dominions, thus merely rejecting the pretentions of the clergy to be judged in their own courts in criminal matters. This interpretation was also given in the Declaration enjoined to be read in churches before the Thirty-nine Articles were drawn up. Two years later this explanation was repeated by the Convocation,[1] and in 1562 it received the sanction of the Legislature.[2] But the Popes and the ultramontane writers refused to receive this interpretation, and persisted in teaching that the English Sovereigns claimed to be the Head of the Church, a title which they have invariably declined since the second year of Queen Mary, who was the last to make use of this designation. In the early part of James's reign, after the Gunpowder Plot in England, and the revolt of the Southern towns in Ireland, the oath was required from those who aspired to office, from the heirs of tenants *in capite*, and from those who pleaded at the bar. But the rule was soon relaxed. As early as the twelfth year of James, we find Roman Catholics sheriffs of counties, magistrates, jurors and pleaders in the courts.[3] In 1628,

[1] "We give not to our princes the ministering either of God's Word or of the Sacraments, the which thing the injunctions lately set forth by Elizabeth our Queen do most plainly testify: but that only prerogative which we see to have been given always to all godly princes in Holy Scripture by God Himself, that is, that they should rule all estates and degrees committed to their charge by God, whether they be ecclesiastical or temporal, and restrain with the civil sword the stubborn and evil-doers."

[2] 5 *Eliz.*, c. 1, s. 14.

[3] "All Popish lawyers are suffered to plead and practise, and every Popish gentleman of any ability is made justice of the peace."—Lord

instead of the oath of supremacy, a new oath free from all pretended objection was appointed to be administered to lawyers and those sueing out livery of their lands on the death of their father.[1] From this year till the end of Charles's reign, the oath of supremacy was not required, except in the case of individuals whose conduct gave rise to suspicion.

The Irish Act of Uniformity imposed a fine of twelvepence—equal to ninepence English—on those who abstained from attendance at their parish churches. This fine was rarely exacted even in the time of Elizabeth,[2] though we find the most exaggerated statements respecting it in Roman Catholic authors. O'Sullivan Beare asserts that Oliver St. John, when Deputy, levied in the year 1616 a sum of £600,000.[3] Routh, in his *Analecta Sacra*, says that in the county of Cavan alone, which he describes as one of the poorest in Ireland, the fines amounted in one year to £8,000.[4] There is not a vestige of truth in these statements. In 1613 a complaint was made to the King that this penalty was strictly enforced in many places. In answer to this complaint, the Deputy, Chichester, stated that the Act had been executed in no county except that of Dublin, and that there only £15 had been levied during

Chichester's Answers to the Recusants' Complaints, *Cal. State Papers, Ireland*, 1611-14, p. 377. "The justices of peace, sheriffs and officers of this kingdom, many of whom are recusants who animate this people in their disobedience."—Return of the Commissioners to inquire into the Grievances of the Kingdom. *Curiosa Hibernica*, i., p. 360.

[1] This oath is given in Cox, ii., p. 47. This concession was one of the Graces of 1628.

[2] In 1642, the Irish Roman Catholics, then in arms, declared in their *Remonstrance* delivered to the King's commissioners at Trim, that the statute of the 2nd Elizabeth was never executed in her time. They evidently meant the Act of Uniformity, for they had referred to that of Supremacy in a former article of the *Remonstrance*. Rushworth, iv., p. 392.

[3] *Historiæ Cathol. Compendium*, p. 335. [4] P. 32.

the preceding year.[1] This statement was corroborated by the Commissioners whom James sent into Ireland to inquire into alleged grievances. During the whole reign of Charles no attempt was made to enforce this fine. In 1632, the Lords Justices, Loftus and Lord Cork,[2] proposed that the penalty should be exacted, but Lord Strafford would not hear of it. The political rights of the Roman Catholics during the whole reign of Charles I. were amply secured. They were possessed of the franchise; they were members of both Houses of the Legislature. In the first and only parliament of James I., out of a total of 232, 101 Roman Catholics sat in the Commons; in the parliament of 1640, they were the predominant party. They were sheriffs of cities and counties; justices of the peace; mayors and aldermen of corporations; practised at the bar; held commissions in the army and places about the court; were judges in the supreme court; recorders of towns; governors of counties; and in 1650 one of them who had been for many years president of the town and county of Galway, became Lord Deputy of the kingdom. The evidence of contemporaries as to their condition before the breaking out of the rebellion may be here quoted. Lynch, Roman Catholic Archdeacon of Killala, an authority beyond question, tells us that "during a short period before the death of King James, and during almost the whole reign of King Charles, down to the commencement of the late

[1] *Cal. State Papers*, Ireland, 1611-14 p. 380.

[2] Mr. Lecky makes an amusing accusation against these justices; that "the site of the purgatory of St. Patrick, which was the object of deep reverence among the Irish Catholics, was by order of the Government dug up and defaced". Long before these justices were born, Pope Alexander VI. ordered the purgatory to be destroyed as a nest of "shameful avarice" and superstition, and the order was carried out by the Roman Catholic bishop of the diocese. *Cambrensis Eversus*, vol. i., p. 142, note; *Annals of the Four Masters*, iv., p. 1,238. note.

war,[1] they [the Protestant magistrates] ceased to persecute the professors of the Catholic faith. Catholics were honoured with the commission of the peace in town and county in many places, and Catholic lawyers were permitted without difficulty to plead at the bar. The bishops exercised their episcopal functions, the priests their parochial duties. Almost every city and town in Ireland had religious communities, which lodged in houses hired for the purpose, and were not prohibited to perform all the duties of their orders."[2] Lord Clarendon says "it cannot be denied but . . . the whole nation enjoyed an undisturbed exercise of their religion, and even in Dublin, where the seat of the king's chief governor was, they went as publickly and uninterruptedly to their devotions as he went to his. The bishops, priests, and all degrees and orders of secular and regular clergy were known to be, and exercise their functions among them ; and though there were some laws against them still in force . . . yet the edge of those laws was so totally rebated by the clemency and compassion of the king, that no man could say he had suffered prejudice or disturbance in or for his religion."[3] Archbishop Bramhall tells us: "The Earl of Strafford, the lieutenant of Ireland, did commit much to my hands the political regiment of that church for the space of eight years [1633-41]. In all that time let him [the Bishop of Chalcedon] name one Roman Catholic that suffered either death or imprisonment, or so much as a pecuniary mulct of twelve pence for his religion, upon any penal statute. If he cannot, as I am sure he cannot, then it is not my present persecution[4] that

[1] The good archdeacon thus designates the rebellion of 1641, because the Irish bishops in a national synod had declared it to be a just and lawful war.

[2] *Cambrensis Eversus*, iii., p. 117.

[3] *History of the Rebellion etc., in Ireland*, p. 8.

[4] Bramhall escaped from England and landed at Hamburg in 1644. At the Treaty of Uxbridge, the parliament demanded that he should be excepted out of the general pardon.

taught me that lenity. I remember not one Roman Catholic that suffered in all that time, but only the titular Archbishop of Cashel, who was indeed imprisoned for three or four days, not only upon suspicion, but upon information out of Spain that he was a pensioner of the Catholic kings, and being found to be no such dangerous person, upon my representation was dismissed." [1] To the testimony of these distinguished men may be added that of Pope Innocent X., who tells us that, "desirous of marrying his son to Margaret, the Infanta of Spain, James deemed it politic to abate the severity of his proceedings, and on the marriage of the prince to Henrietta Maria of Bourbon, sister to Lewis XIII. of France, he granted to all the Catholics in his dominions the free and unconditional exercise of their religion." [2]

This evidence, which cannot be set aside, leads to one conclusion only, namely, that at a time when toleration was unknown in every other country of Europe, freedom from annoyance and political equality was freely and fully granted by the English Government to the Roman Catholics of Ireland. The true relation of the Government and that community all through the reigns of James and Charles was this: The English Government endeavoured to allure its members to allegiance. "Every office," it said, "is open to you if you proffer the same proof of obedience which we require from our Protestant subjects, and if you renounce the political doctrines subversive of our authority." On the other hand, the Roman Catholics virtually said: "we will give no pledge of our obedience or affection to you, nor will we deny the right of the Roman Pontiff to dethrone your King and to absolve us from all allegiance to him." Notwithstanding this universal disaffection, of which the English Government was well

[1] Bramhall, *Works*, ii., p. 124.

[2] Instructions to Rinuccini. Hutton's *Embassy of Rinuccini*, xxx.

aware,[1] it persevered in its efforts of conciliation, and forgetting, perhaps, the just limits of self-protection, advanced to office and places of trust men who were liable to suspicion, as every citizen is who refuses to give a guarantee of his loyalty. Yet we are told that one of the principal causes of the great rebellion was a fear of the extirpation of the Roman Catholic religion.[2]

The other alleged cause is the land question and the insecurity of titles ;[3] whereas the truth is, that titles had never before been so secure as during the administration of Strafford. Two charges are brought against that statesman : that he refused, "in distinct violation of the King's solemn promise," a limitation of sixty years to the rights of the Crown, and that he proposed a universal confiscation of the land in Connaught. In 1628, that is in the fourth year of Charles's reign, agents of the gentlemen and freeholders of Ireland were despatched to London "to present to His Majesty such things as may be to the behoof of His Majesty's service and good of the kingdom ".[4] The agents took with them a list of fifty-five grievances by which their constituents were affected. To smooth their way, they offered a voluntary gift of £40,000 a year for three years, which they were careful to state was not offered by way of contract.[5] At this time, no grant had been made by the Irish Commons for twenty-six years, save one subsidy of £35,000, and Ireland was still a heavy burden

[1] See the remarkable State Paper, "A Discourse of the present Estate of Ireland, 1614," by Lord Carew ; *Carew Papers*, 1603-24, p. 305.

[2] Lecky, ii., pp. 118-124.

[3] "The security of property was shaken to the very foundation." Lecky, ii., p. 115.

[4] Rushworth, ii., p. 16.

[5] "And lest it might be conceived or be objected by any that these offers are in any such kind as though your Highness's said subjects did intend to contract with your Highness," etc. The petition is in Rushworth, ii., p. 17.

on the English treasury. In return for this voluntary gift, the King issued certain instructions to Lord Falkland, then Deputy of Ireland, and his Council. These instructions, or Graces, as they came to be called, consisted of fifty-one heads, one of which was, that in the next Parliament an Act should be passed limiting the King's title to sixty years. These Graces were not absolute; they were merely directions to the Irish Council as to the course to be observed if its members should consider the Graces necessary for the welfare of the country. That they were not absolute is shown by the conduct of the Irish Commons themselves. In 1634, six years after they had been sent over to Ireland, the Commons presented a petition to the King, in which they prayed that the Graces might be revised; that some of them should be passed as laws; others be continued as instructions to the local government; others be altered; and some utterly abolished. They even suggested that, at the time the Graces were granted, the King had been misled by the agents. "Howsoever," they said, "those Instructions did then pass your royal signature upon the information you then received from those Agents, yet we humbly crave leave upon good grounds to disadvise some parts of them, as not consisting with the furtherance of your service and the good of your kingdom: reasons, which we hope in your princely judgment will be found a just qualification of our boldness, wherein we beseech you to give us leave to inform you that, at the time, your Deputy and Council here were unconsulted with in those particulars, whence it came to pass that you were not then fully informed; and therefore as well in common justice to right yourself and your crown when you have been fully informed, as in reason of State for the public good of your kingdom, which may otherwise be extremely prejudiced, we conceive that it is in no degree

unsuitable to your greatness and wisdom to retrench those Graces in such parts of them as are found inconvenient for your service in the happy Government of your kingdom".[1] Upon this petition, the advice of Strafford and his councillors—one of whom was Lord Cork, who, as the most successful land acquirer that Ireland had ever seen, was deeply interested in the question—was, that the grant of the sixty years' limitation should be *suspended* until the Commission for remedying defective titles had been completed. "We may not therefore in any sort advise that this may pass for a law, and the rather, in regard the benefit thereby expected by the people, shall be conveyed to them in another way of less prevention to the future public good of the kingdom in general than the law desired, namely, by your Majesty's commission of Grace for confirmation of defective titles, which now will resettle all men's estates after the distempers and disturbances which they have endured by the late rebellions here . . . and yet, nevertheless, after this commission . . . whereby this kingdom may in some degree be brought nearer to the condition of England . . . so may it then also have that law which is now desired, if your Majesty in your wisdom shall so think fit".[2] Though Strafford and his Council advised that this Grace should be suspended for the present, they obtained from the King a far better and more immediate security against the claims of the Crown for the Irish proprietors. In the first Parliament which met after the issuing of the Graces, a statute was passed enacting that all patents and grants under the Commission for defective titles should conclude and bind the King and his successors.[3] In a subsequent session of the same Parlia-

[1] The petition, with the comments of the Irish Council, is given in Knowler, *Letters and Despatches of Strafford*, ii., p. 312.

[2] *Ib.*, p. 320.

[3] 10 *Chas.* I., c. 3.

ment another Act was passed confirming the former, curing every possible defect in the patents, and directing that they should be most strictly construed for the grantees and against the King.[1] Finally a third Act was passed in 1639 confirming the two preceding.[2] These three Acts were passed during the administration of Strafford.

The second charge is that Strafford devised and adopted the project of making a plantation in Connaught similar to that of Ulster, and of confiscating all the titles in the former province.[3] The writer who makes such an assertion cannot have studied the letters and despatches of that statesman, or investigated the subject for himself. Strafford did indeed propose a plantation in Connaught, but of a very different kind, and far less extensive than that of Ulster, and no man's just title or patent was to be questioned thereby. As Strafford told the Roscommon jury, the King's "Great Seal was his public faith, and should be kept sacred in all things".[4] Connaught con-

[1] 10 *Chas.* I., session 3, c. 2.

[2] 15 *Chas.* I., c. 6.

[3] Lecky, ii., pp. 116-118.

[4] Speaking of the Commission which was sent into Connaught, Mr. Lecky says, in his rhetorical way: "In county after county the terrified juries brought in the verdict that was required". It is to be regretted that any respectable author should have put his hand to such a statement. The Commission sat in four counties. In Roscommon, Sligo and Mayo it was welcomed by the juries, which were composed of "gentlemen of the best estates and understandings". In Galway, a jury, consisting of the friends, dependants, and steward of Lord Clanrickard, refused to find the King's title, upon pretence that Henry II. had not conquered Ireland, but merely received the submission of its inhabitants, though by the Irish Act of 10 *Henry VII.*, c. 15, Connaught was annexed to the Crown. Mr. Lecky does not appear to have known that Lord Tunbridge, Clanrickard's son, acknowledged to Charles I. that the Galway jury had met with the express intention of defeating the King's title [Knowler, i., p. 476]; nor that the same nobleman, on the death of his father, sent to Strafford a letter of attorney "signed by 175 of the best quality of the county," voluntarily acknowledging the King's title. "I leave it to your Lordship's better judgment," he wrote, "to consider whether this free and voluntary surrender by the body of the

tained upwards of 4,300,000 acres. In that province much land had been concealed or unjustly detained from the Crown; many tenures *in capite* had been suppressed and the dues on them withheld; and many estates had been seized by the strong hand during and after the Insurrection, 1595-1603. In some cases, as in that of Lord Wilmot, President of Connaught, the King's lands and rents had been fraudulently alienated for private gain.[1] Of the 4,300,000 acres in Connaught, Strafford hoped to recover only 120,000.[2] From the plantation were to be excepted the whole county of Leitrim, Church lands, and all estates held under letters-patent from the Crown, or under conveyances from Richard de Burgo and his heirs, who in the fourteenth century were possessed of twenty-five of the thirty cantreds which made up the whole of Connaught.[3] These exceptions and limitations, together with the small proportion which Strafford expected to recover for the Crown, enable us to estimate the exaggeration with which this proposed plantation has been described.[4] That no man's freehold was invaded by Strafford's government, and no just title set aside, we have

whole county doth not as highly import the service as to have it found by a jury."—Knowler, ii., p. 35.

[1] See "Wilmot's Confession to the King" [Knowler, i., p. 477]. Lord Wilmot was brought to book by Strafford for robbing the King, as Lord Cork was for appropriating the lands of the Church.

[2] Knowler, i., p. 421. [3] *Ib.*, p. 455.

[4] Not only exaggeration, but mere confusion. Mr. Lecky, treating of the Connaught plantation, says that "a grant of four shillings in the pound was given to the Chief Justice and Chief Baron out of the first yearly rent upon the commissions of defective titles". The Commission for Defective Titles had nothing whatever to do with the plantation of Connaught. It was the most popular measure ever proposed in Ireland. The judges attached to it did not decide on the validity of titles, or on the amount of the composition to be made respecting them. See "Answer of the Judges to the Questions proposed to them by the Irish Parliament," Nalson, ii., p. 575.

both positive and negative evidence of the greatest value. In 1640, six years after Strafford had sent his Commission into Connaught, the Irish Commons—before their fatal alliance with the English Opposition—returned thanks to the King for having appointed Strafford to the government of the kingdom, "who by his great care and travail of body and mind, sincere and upright administration of justice without partiality, increase of your Majesty's revenue *without the least hurt or grievance to any* your Majesty's well disposed and loving subjects, and our great comfort and security by the large and ample benefits which we have received and hope to receive by Your Majesty's Commission of Grace for remedy of defective titles, procured hither by his Lordship . . . for this your tender care over us, showed by the deputing and supporting so good a Governor, we . . . acknowledge ourselves more bound than we can with tongue or pen express."[1] In November, 1640, the same body presented, in Strafford's absence, to his deputy a Remonstrance of Grievances, consisting of sixteen heads, which was made use of on Strafford's trial.[2] In this there is not a word about the plantation of Connaught, though they complain that the plantation in the county of Londonderry had been weakened. Nor is there any mention of Connaught in the Protestation against Strafford and his Government, which they made in February, 1641.[3] Every charge, which the managers of his Impeachment could collect, was urged against him, and every Act of his Irish Administration ripped up, yet in the Eighteen Articles which refer to his Irish Government there is no mention of the

[1] Preamble to Act, 15 *Charles I.*, c. 13.

[2] *Journals of the Irish Commons*, i., p. 162. Rushworth, viii., p. 11.

[3] "Protestation against the Earl of Strafford and his Government," *Ib.*, i., p. 176.

Connaught plantation. In the seventh article, he was accused of having dispossessed Lord Dillon of his lands, and of causing divers others of His Majesty's subjects to be put out of possession and disseised of their freeholds, "whereby many hundreds of His Majesty's subjects were undone and their families utterly ruinated". This article was dropped by the managers, and no evidence was offered on it.[1] Nor are these the only proofs that the proposed plantation of Connaught was not considered a grievance in Ireland. When both Houses, in November, 1640, sent agents over to England to lay their grievances before the King, they gave no directions to mention this for one, neither did their agents "ever attend His Majesty to complain thereof, or desire redress therein, until His Majesty freely offered to depart with his title to the former proprietors. But, on the contrary, did by their letter importune His Majesty that he would not part with his title to those counties and lands, and that the plantation of English Protestants might proceed as formerly intended."[2]

And lastly, in the June following the departure of Strafford, the Irish Commons read a bill the second time "for securing of the plantations to be made in the several counties of Roscommon, Sligo, Mayo, Galway, the town of Galway, Clare, Limerick and Tipperary."[3]

[1] Rushworth, viii., pp. 64, 220.

[2] *Declaration of the Commons* [*English*] *Assembled in Parliament*, July 25, 1643; Rushworth, v., p. 346.

[3] *Commons Journals*, i., 145. Leitrim is not mentioned, as that county was not to be included in the proposed plantation of Strafford.

CHAPTER VI.

THE IRISH PARLIAMENTS IN THE REIGNS OF JAMES I. AND CHARLES I.

HAVING considered the circumstances of Ireland and the affections of its inhabitants, we may now pass to the proceedings of the three Parliaments which were held in the reigns of James and Charles. In 1613, twenty-seven years had elapsed since a meeting of that body. Towards the end of 1611, the Deputy announced the King's intention of calling a parliament, and invited the subjects to exhibit their grievances. He also stated that the King thought it meet to erect new boroughs for the encouragement of the plantation in Ulster, and to draw inhabitants to other places which were thinly peopled. This announcement caused the most extraordinary excitement throughout Ireland. In November, 1612, six Roman Catholic Lords of the Pale addressed a letter to the King, asserting that they had not been consulted about the Bills to be transmitted to England, inveighing against the design of erecting new boroughs, complaining of the oath of supremacy and intimating the danger of a revolt. When the writs were issued, the country became a scene of universal agitation. The Lords of the Pale, who were discontented because, as they alleged, the new nobility enjoyed more of the confidence of the Government than themselves,[1] sent agents into all parts of the kingdom to solicit the voters

[1] *Curiosa Hibernica*, i., 249.

of better rank, while the priests and lawyers laboured among the inferior classes. The Jesuits and clergy denounced excommunication against those who should support a Protestant.[1] No art or industry was omitted to carry elections for their party. Oaths of association, promises, threats, etc., were freely made use of to deter the electors from voting for any one who attended the reformed worship. When a Roman Catholic was elected, the successful candidate was received on his way by men, women and children with shouts of applause and admonitions to take care of the Catholic religion.[2] The cause of all this excitement was: the Roman Catholic clergy were afraid that the statute, which had been passed in England against Jesuits and missionary priests would be enacted in the new Parliament.

The day before the meeting of Parliament, which was fixed for the 18th of May, 1613, ten Roman Catholic lords presented an address to the Deputy, in which they questioned the King's prerogative to erect new boroughs, found fault with the late elections, excepted against the Deputy's guard of one hundred men, and against holding the Parliament in the castle, on the ground that it might be blown up after the manner lately adopted in England.[3]

When the Parliament met on the following day, the Deputy, sitting in the Lords, invited the Commons to choose a Speaker, and recommended Sir John Davis for the office. On the return of the Commons to their own House, Sir Thomas Ridgway proposed Sir John Davis; whereupon Sir James Gough rose and said that he saw many in the House who had been sent from the new boroughs, and that others had been improperly elected in

[1] Carte, i., p. 19. Ryves, *lib.* ii., p. 15.
[2] O'Sullivan, p. 308.
[3] *Cal. State Papers, Ireland*, 1611-14, p. 342.

the old ; he proposed that these persons should be excluded the House before they proceeded to elect a Speaker, but being pressed to name a candidate he nominated Sir John Everard.[1] Gough's proposal was seconded by Sir Christopher Nugent and William Talbot, who also moved that the House should be purged before electing a Speaker. Sir Oliver St. John then told them, that he had been a member of several Parliaments in England, and that there the custom was first to elect a Speaker and afterwards to appoint committees to examine the returns. St. John concluded by seconding Davis, and inviting those who were of the same opinion to go with him into the room appointed for divisions. It was then the custom for one party to retire into an antechamber, and from thence to send two members to number those who remained, the other party also sending two to count those without.[2] On this occasion Everard's party refused to do so, and on the return of Davis's supporters, in a majority of thirty,[3] they found Everard in the chair. On Everard's refusal to leave the chair, he was pulled out of it and Davis was placed in it. The Roman Catholics immediately left the House, declaring that Everard had been duly elected, and that they would appeal to the King and Deputy. On the following day eleven Roman Catholic lords wrote to the King, complaining of the proceedings in the Commons, and of the new boroughs and, as in their former letter, intimating a menace of rebellion.[4] On the same day, the discontented members of the Commons wrote a similar letter to the Lords of the Council in England ; and the next day petitioned the Deputy that they might be dispensed from attendance, on the pretence that they were in fear of their lives ; they also required to be informed

[1] Ryves, *lib.* ii., p. 15.
[2] *Ib.*, p. 17.
[3] *Curiosa Hibernica*, i., p. 166.
[4] *Ib.*, i., p. 197.

by what authority most of the members sat in the House. On the 21st they presented another petition to the Deputy, offering to return to their House "if they might be secured of their lives, and have the benefit of the laws of the kingdom and the censure of the undue returned knights and burgesses". Their request was granted by the Deputy in the name of the King[1]; but they had no intention of returning, for on the same day, they presented another petition to the Deputy, demanding that the members to whom they objected should be excluded before an examination of the returns. There was clearly a combination between the Roman Catholics of both Houses, for on the 21st, the same eleven lords presented a petition to the Deputy, complaining of undue returns, of the election of Davis, and of the creation of new boroughs; and on the 22nd they presented a third petition, saying they would come no more to Parliament until the King had taken some better order to settle things, their reasons being "that although the Commons House and theirs were distinct, yet they both together made but one body". Finally, on the 26th and 27th, the Roman Catholics of both Houses declared that they would not attend, though a proclamation in the King's name commanded them to do so, and though they had been informed that no Act would be read but the Act of Recognition of the King's title.[2]

The Lord Deputy was greatly alarmed by the agitation in the city. Dublin was full of armed men, and the whole military force in Ireland amounted only to 1,900 troops,

[1] *Cal. State Papers, Ireland*, 1611-14, p. 348.

[2] For the details given above see *Brief relation of the passages in the Parliament, etc., in* 1613. *Carew Papers*, 1603-24, pp. 278-285. Ryves, *Regiminis Anglic. Defensio, lib.* ii. *Cal. State Papers, Ireland*, 1611-14, pp. 342-404.

dispersed over the face of the country. All things portended an insurrection. Burke, Roman Catholic Bishop of Ossory, tells us that the orthodox were resolved to resist to the death; that bishops and priests, both secular and regular, had hurried up to Dublin from all parts of the country; and that many students had arrived from Spain, France, Portugal and Belgium to support their party.[1] And O'Sullivan says that the principal portion of the nobility of the whole kingdom had made their entry into the city with great pomp, surrounded by armed retainers, ready for any emergency, and that the general opinion was that there would be a revolution.[2] To allow the excitement to cool down, Chichester prorogued the parliament on the 17th of June, and certain members of both Houses proceeded as agents of their party to London to present their grievances and to explain their conduct.

On their arrival they were graciously received by the King, to whom they presented a list of their grievances, and prayed that a Commission might be sent into Ireland to examine into the alleged abuses. Their request was granted, and four persons, with whom they said they were perfectly satisfied,[3] were appointed to inquire into "all errors and grievances, not only in Parliament . . . but also any other pressure, extortion, or misgovernment whatsoever". While the Commissioners were absent, the King admitted the agents to several interviews, and it was at one of these that the conversation respecting the doctrine of Suarez, already referred to, took place. The Commissioners spent two months in Ireland, taking information on oath and examining records and official certificates.[4] In November

[1] *Hibernia Dominicana*, p. 621.
[2] *Hist. Catholicæ Comp.*, p. 309.
[3] *Curiosa Hibernica*, i., p. 279.
[4] *Cal. State Papers*, 1611-14, p. 438

they made their report. On receiving it, the King summoned from Ireland a certain number of both parties, and allowed them in his presence to discuss the election of a Speaker, the creation of the new boroughs, and their right to return members.[1] After a full discussion, James gave his decision on the conduct of the appellants. "You offered that if you failed to prove any point, you would renounce my favour in all; yet have you scarce proved a word true; but on the other side, almost every point hath been proved contrary. Of fourteen returns of which you complained, but two have been proved false. . . . Before the meeting of Parliament an unusual favour was offered you by my Deputy, for he sent for you, advised you to consider what laws were fit to be propounded for your commonwealth, and offered to consult with you. But instead of being thankful for that favour, a few noblemen sent me a rash and insolent letter that nothing should be pursued in Parliament but you should be acquainted with it, and withal threatening me with rebellion in a strange manner. After that, you did nothing but heap complaint upon complaint until the Parliament was set down; then you went on with a greater contempt. . . . Why should the Lords have refused to attend? They had no colour of absenting themselves, having nothing to do with the orders or disorders of the Lower House. . . . The Lower House here in England stands strictly upon their privileges, but if such differences had arisen among them, they would have gone on with my service and not broken up the assembly. . . . I have used my own eyes in making the new boroughs, and find them, except one or two, to be as good as the old and likely to grow better every day. . . . My sentence is, that in the matter of Parliament, you have

[1] Ryves, lib. ii., p. 19.

carried yourselves tumultuously, and that your proceedings have been rude, disorderly, unexcusable, and worthy of severe punishment, which, by reason of your submission, I forbear, but do not remit, till I see your carriage in this Parliament." [1]

The Parliament met again on the 11th of October, 1614. Things had quieted down, and the Act of Recognition was passed. In this, both Houses returned thanks for the "many blessings and benefits poured upon this realm" in granting a general Act of oblivion and special charters of pardon to many thousands of the subjects, in strengthening defective titles, and regranting estates to many "who could derive no other title to their lands than a long continuance of possession," and for the King's care in the plantation of Ulster.[2] Subsequently an Act was passed for the attainder of Tyrone, Tirconnell, and the other Ulster chiefs, and for the confiscation of their estates. Both these statutes were passed unanimously, though the latter did not contain the usual clauses in such statutes, saving the rights of innocent persons.[3] A few more Acts were passed, and this Parliament was dissolved on the 24th of October, 1615.

The second Parliament met in the reign of Charles on the 14th of July, 1634, a year after the arrival of Strafford. This Parliament is chiefly remarkable for its legislation. It may safely be asserted that during Strafford's administration of the country, more good, useful and profitable laws were enacted than during the government of any

[1] *Carew Papers*, 1603-24, p. 288. [2] II. James i., c. 1.

[3] It was represented to the Deputy, at the close of the session, that the estate of John Bath, which had been conveyed to his father by Tyrone long before the attainder of that Earl, would be affected by this Act. The Deputy and Council by an Instrument of State, signed by himself, the Chancellor and eleven Privy Councillors, undertook to make a new grant to Bath. This was done to save time, as otherwise the Act could not have passed in the session (*Commons' Journals*, i., p. 28).

preceding or succeeding Lieutenant of Ireland. The Irish Statute Book is open to all, and no man can examine it without coming to this conclusion. The Parliament was dissolved on the 15th of April, 1635.

The third and last Parliament met on the 16th of March, 1640. On the 23rd, the Commons resolved unanimously, "not one man opposing," that four subsidies should be granted to the King as a present supply for his great necessities, with a further declaration, that they would be ready with "their lives, fortunes and estates" to assist him as occasion should require.[1] On the 30th they made another declaration in which the Lords concurred, drawing up a similar one,[2] professing, that to enable the King to reduce the Scotch Covenanters, they would not limit themselves to four subsidies, but would be ready with their persons and estates to support him. They desired that this declaration should be recorded for a testimony to all the world and succeeding ages, *that as the kingdom hath the happiness to be governed by the best of kings, so are they desirous to give his Majesty just cause to accompt of this people amongst the best of his subjects.*[3] In addition to these declarations, they inserted in the Act of Supply the highest panegyric which has ever been passed upon the conduct of a Minister by a legislative assembly; a part of which has been given before. On the 1st of April, the Commons adjourned to the 1st of June following, and, on the 3rd, Strafford left Ireland for ever, having appointed Wandesforde as his deputy.[4]

While following the subsequent proceedings of this Parlia-

[1] *Commons' Journals*, i., p. 138.

[2] *Lords' Journals*, i., p. 114.

[3] The italics are in the original declaration (*Commons' Journals*, i., p. 141).

[4] In 1639 Wentworth was created Earl of Strafford and Lord-Lieutenant of Ireland.

ment, we must carefully keep in mind the contemporaneous events in England, the revolt in Scotland, the support given to it by the English Commons, and the declining circumstances of the monarchy. When the Irish House met again in June, the position in England was this: The Scots were preparing to invade England—a design which they carried into effect two months later—and the Short Parliament had been dissolved on the 5th of May, having declined to grant supplies to the King. The Irish Commons very soon displayed their real affections and the value of their promises to support the King against the Covenanters with their lives and fortunes. Owing to the absence of many royalists who held military commissions, the Roman Catholics had now a majority, and had effected a union —which was so soon to be dissolved in blood—with the Presbyterians of the North who sympathised with their Scotch brethren. This united party resolved to cripple the King, and to deprive him of a large portion of the supplies which they had voted him only three months before. On the 13th of June, they drew up an Ordinance of the House, in which they condemned the instructions of the Deputy assessing a certain portion on each county. They allowed indeed the first subsidy to be collected according to the instructions, but ordered at the same time, that it should be collected, not by the authority of those instructions but by the directions of the House. As to the three other subsidies, they declared, in direct opposition to the Act granting them, that they should be levied in a different way, or as they expressed it "in a moderate parliamentary way, after an easy and equal rate of each man's estate without relation to any former certainty".[1] The effect of this ordinance was, that the first subsidy was collected to the

[1] *Commons' Journals*, i., p. 146.

amount of £46,000, and from the second and third together something less than £24,000.[1] As if ashamed of themselves, three days later, they drew up a declaration, deprecating the criticism of "ill-affected persons" on their conduct, and asserting the continuance of their affection and of their readiness to support the King's service.[2] On the following day the Parliament was prorogued to the first of the following October.

When the Houses met in October, a Scotch army of 26,000 men, infantry and cavalry, was in England, levying a weekly contribution of £6,500 from the inhabitants of two Northern counties, and the writs were out for the Long Parliament. On the 7th of November, four days after the meeting of the English Parliament, the Irish Commons drew up a Remonstrance of grievances in sixteen articles. This Remonstrance was presented to the House ready drawn, and was required to be instantly read twice and then put to the vote, though the matters in it had never been discussed or examined. The House simply ordered "that the particular matters mentioned and expressed in the petition of Remonstrance, now twice read, are voted and declared by this House to be grievances and do require a present redress[3]". The Commons asked the Lords to join with them, but the Upper House declined to do so. If we consider the manner in which the Remonstrance was introduced into the Commons, that no parties interested in it were heard, and that no member was allowed to discuss it, we can hardly doubt that it was not the spontaneous expression of the Irish House, and that it was sent from England to be used against Lord Strafford, as indeed it afterwards was.[4] Sir John Clotworthy, an Irish Presby-

[1] Carte, i., p. 102.

[2] *Commons' Journals*, l., p. 148. [3] *Ib.*, i., p. 162.

[4] Rushworth, viii., p. 11. In the copy of the Remonstrance given by Rushworth one of the articles, the 15th, is dropped out.

terian, then sat in the English Parliament, and was in correspondence with his friends in the Irish Commons. This gentleman took an active part in the impeachment of Strafford, and was one of a committee of seven appointed to confer with the Lords concerning his trial, and also a witness against him.[1] What is certain is that the Remonstrance, though addressed to the Deputy, was meant neither for him nor the King, but for the English Commons. On the 11th, the Irish House nominated the agents who were to carry it to England, and ordered a committee, five of whom were agents, to attend the Deputy for his answer to it on the following day,[2] so that the agents could not have left Ireland until the 12th. They could hardly have left on the 12th, for on that day the Commons authorised them to require from all officers in the kingdom, without fees, such copies of records, entries, and books as they should think necessary to take with them.[3] The usual time between London and Dublin was then seven days, yet we find that on the 13th "a petition from the Parliament of Ireland" was delivered to the English Commons,[4] and on the 20th of the same month the Remonstrance was reported to the House by name,[5] though it was not presented to the King until the 3rd of January following.[6]

The agents were authorised to receive all complaints, which any of the subjects in Ireland might deliver to them for presentation to the King, and to press Charles for a continuance of the present or a speedy calling of a new Parliament. The number of the agents appointed by the Commons was thirteen, of whom eight were Roman

[1] Rushworth, viii., pp. 3, 418.
[2] *Commons' Journals*, i., p. 164.
[3] *Ib.*, p. 165.
[4] Rushworth, iv., p. 51.
[5] *Ib.*, p. 53.
[6] Carte, i., p. 115.

Catholics and five Presbyterians. Three months later the Lords, following the example of the Commons, authorised four Roman Catholic peers "to attend the King touching certain grievances of the kingdom."[1] For the support of these gentlemen, all of whom were afterwards leading men and principals in the Rebellion, two sums of money were regularly assessed and levied on the different counties: £5,086 for the agents of the Commons,[2] and £2,400 for the four peers;[3] and this at a time when they had reduced the three subsidies granted to the King to less than £12,000 each, on the ground of the poverty of the kingdom, and had declared in the June preceding against the assessing of a certain sum on each county.

Strafford had been sequestrated from the House of Lords on the 13th of November, and was now in the Tower awaiting his trial.[4] It is known to all, that the managers of his impeachment attempted to commit him by accumulating acts which, taken separately, amounted to misdemeanours only. The articles in his impeachment related principally to his conduct in Ireland—eighteen out of the twenty-eight referring to his administration of that country. It was hopeless to expect a conviction as to these, as long as the panegyric of the Irish Parliament remained on record as a testimony in his favour. It was judged necessary to remove this difficulty. To effect this, in February, 1641, both Houses of the Irish Parliament drew up a protestation against Strafford and his government of the country.[5] The Bill of Supply, which contained the panegyric on Strafford, must have

[1] *Lords' Journals*, i., p. 149.

[2] *Commons' Journals*, i., p. 166. [3] *Ib.*, i., p. 197.

[4] The following dates may prove useful: Strafford sequestrated and committed to custody, 13th November, 1640; trial from the 22nd March to 12th of April, 1641; attainder, 10th of May; executed 12th of May.

[5] *Commons' Journals*, i., p. 176. *Lords' Journals*, i., p. 157.

been read three times in each House. It had been passed into an Act more than seven months before this protestation, and during the interval not a whisper had been heard against the encomium. As late as the 8th of the preceding June, on the occasion of Sir George Radcliffe asking leave to attend Strafford in England, the Commons had renewed their attestation of the Lord Lieutenant's eminent services, and one of the members declared amid shouts of applause, that Strafford had administered their affairs with the zeal which men give to their own affairs, with the caution with which they manage those of others, and with the devotion which they bestow on public affairs.[1] Yet, now, both Houses asserted that the clause referring to Strafford had been fraudulently inserted either by him or his servants, that it was false, and that the country had been oppressed and impoverished by his administration. Further, they ordered their agents in England to request the King that an Act might be passed to expunge it from the records of Parliament and to punish those who had inserted it.

During the nine months that their agents in England were pressing the King with demands, which he was no longer in a position to refuse, the Irish Commons were doing all in their power to disturb the existing institutions of the country, to diminish the royal authority, and to bring everything into confusion. Following the example of the English House, they impeached the Chancellor, the Chief Justice of the Common Pleas, the Bishop of Derry and Sir George Radcliffe.[2] They constituted themselves a Court of

[1] Carte, i., p. 107.

[2] After these gentlemen had given their answers, the impeachment was dropped. The accusations against the Chancellor and the Chief Justice were discussed on the 22nd of June, 1642 (*Lords' Journals*, i., p. 179). The King sent over a letter ordering the proceedings against the Bishop of Derry to be stopped, and he was some time after released. Sir George

original jurisdiction, and took the management of the whole kingdom into their hands. They decided private causes; committed and enlarged persons on petition; ordered that proceedings at Common Law and in Chancery should be suspended, and forbade the judges of the Supreme Courts to proceed in causes "until report thereof be made to this House"; imprisoned defendants for not answering; directed writs of Habeas Corpus to be "forthwith granted" by the Court to petitioners to themselves; prohibited sheriffs from executing writs; interpreted and decided on the validity of deeds, mortgages and bonds; assessed damages and restored or quieted possessions; seized and opened letters from the "public office" and in the houses of private persons; interfered with the collection of the customs, and required the attendance of searchers and collectors to the great loss of the revenue; attacked Trinity College and ordered the provost and fellows to forbear the election of fellows and scholars, and to grant no leases of their lands or confirm any already made "till this House make further order therein"; empowered committees to seize all tobacco wherever found, and "if occasion be" to break open any doors, chests, chambers, closets or cellars; to board all ships in any port near Dublin and to take possession of all silver and gold which they should there find; and to regulate the fees in every Court in the kingdom.

Some of the proceedings of this Parliament—which, while professing itself a Legislative Assembly, acted as a revolutionary tribunal, preaching the abolition of all authority save its own—deserve a more particular notice. The Commons drew up twenty-one constitutional questions and sent them to the Lords, with a request that they

Radcliffe was at this time in the Tower, having been impeached by the English Commons. Carte says that the four were impeached to deprive Strafford of their testimony.

would order the Judges to answer them in writing. The Lords made some delay at first; whereupon the Commons transmitted the questions to the English Parliament, praying that their House would "lay down such a course, such as in their own wisdom they shall think fit, for declaration of the law in the particulars of the said questions; wherein they will fix a special obligation upon this House and upon all His Majesty's subjects of this kingdom."[1] The Judges petitioned the Lords that they should not be obliged to answer,[2] but the Lords ordered them to do so, adding a question of their own to those of the Commons.[3] The Judges sent in their answer, affixing to it a protestation, that the questions, though only twenty-two in number, contained "at least fifty general questions," involving "most of the greatest affairs of this kingdom, both for Church and Commonwealth"; that many of them concerned the King's prerogatives, the jurisdiction of his Courts, his revenue, martial affairs and Ministers of State; that their opinions would be useless, as not binding on their successors; that most of the matters in them had already been represented to the King by both Houses as grievances, and therefore ought to be reduced into Bills, etc.[4] When the Commons received the answer of the Judges, they at once voted it to be unsatisfactory and "absolutely to be refused," and then proceeded to make a unanimous declaration of what they considered the law ought to be upon each head contained in their own questions, passing by as unimportant the one which the Lords had added.[5]

[1] *Commons' Journals*, ii., p. 191.

[2] Nalson, ii., p. 570.

[3] *Lords' Journals*, i., p. 160.

[4] The answer of the Judges is given in Nalson, ii., p. 575, and is well worth study.

[5] *Commons' Journals*, i., p. 269.

When it was proposed to impeach the Lord Chancellor, that officer expressed an opinion in the Lords[1] that as the Parliament, by Poynings' Act, could not propose laws without leave of the King, by parity of reason it could not take upon itself a judicial power without a similar permission.[2] The English Privy Council entertained the same doubts, and the King demanded of the Irish Parliament some precedents for their judicature. In answer to this request, both Houses united in the following declaration: "The Lords spiritual and temporal and Commons in Parliament assembled do hereby declare and protest that the said Court of Parliament of this kingdom hath always had and ought to have full power and authority to hear and determine all treasons and other offences, crimes, causes and things whatsoever, as well capital and criminal as civil, contrived, perpetrated, done, or happened within this realm; and likewise to inflict condign punishment upon all offenders and to administer equal justice unto all persons whatsoever in the said realm, according to the ancient course and rights of Parliament, in all times and ages used and exercised within the said realm of England; and that all others, the Courts of Justice and all magistrates, judges, officers and subjects of any estate, degree, quality or condition whatsoever of the said realm of Ireland are liable to the resolutions, orders and judgments of the said Court of Parliament of this realm; and that the said Court of Parliament is the supreme judicatory in the said realm."[3] At the same time they addressed the King, stating that, owing to the continual wars in the country and other causes, they were unable to furnish him with precedents justifying their claim.[4]

[1] Sir Richard Bolton, though not a Peer, frequently spoke in the House of Lords.

[2] *Lords' Journals*, i., p. 176.

[3] *Commons' Journals*, i., p. 213.

[4] *Ib.*

To enable us to judge of the wisdom or folly of this declaration at such a crisis, it is necessary to remember that, at the time it was made, no writ of error from the Common Law Courts, or appeal from the Court of Chancery had ever been presented to the Irish House of Lords,[1] and that a writ of error lay from the King's Bench, Dublin, to the King's Bench in England. In other words, the proceedings and decisions of the Irish Bench, and of every inferior Court of Record in the kingdom, might have been rectified, confirmed, or annulled by an English Court.[2] If the Irish Parliament had made a search in the records, which they declared to be lost, they would have even found a case in which a judgment of their Upper House had been removed by writ of error to be examined by the King's Bench in England.[3] The immediate effect of this declaration was that the English Peers, to whom it had been communicated, apprehending that it questioned the jurisdiction of their House, appointed a committee to search for records and precedents, and petitioned the King to suspend the granting of the Graces until the matter was determined.[4]

In the summer of 1641, shortly before the adjournment, a motion was made in the Lords, either by Lord Macguire or Lord Fingal,[5] that application should be made to the

[1] The first writ of error was in 1644, and the first appeal in 1661 (Lord Montmorres, *Irish Par.*, i., p. 339).

[2] "Writs of error in pleas of the Crown, as well as in Civil Causes, have in all Kings' reigns been brought here, even in the inferior Courts of Westminster Hall, upon judgment given in the Courts of Ireland; the practice is so frequent, and so well known, as that I shall cite none of them to your Lordships" (St. John's Argument in Strafford's Case, Rushworth, viii., p. 696).

[3] The case is given in Mr. Justice Mayart's *Treatise*. Harris, *Hibernica*.

[4] Carte, i., p. 150.

[5] Evidence of Lord Blaney at the trial of Lord Macguire (*State Trials*, iv., p. 658). Lord Macguire was executed for his share in the rebellion.

Lords Justices for permission to inspect the stores and munitions of war supposed to be placed in rooms under those in which the Parliament sat. The Commons joined in this application. Search was made and nothing found. The committees, to which the task had been entrusted, then reqested Sir John Borlase, Master of the Ordnance, to show them the stores of powder and arms deposited in other places in the castle. Borlase was greatly surprised at this unusual request, and refused it, telling them that the munitions of war were the King's precious jewels, and could not be viewed without special cause.

On the 7th of August, 1641, the Commons adjourned to the 9th of November, having taken a new and unprecedented step. On the last day they made an order appointing a committee to sit during the recess, with power to draw certain bills mentioned therein, and also "such other bills as they shall think meet for His Majesty's service and the good of the Commonwealth; to receive and answer all despatches from their agents in England; and to attend the Lords Justices for the transmission of such bills under the Great Seal."[1] On the 28th of August the agents returned with bills for the redress of all grievances and the concession of all the Graces, the King having actually signed by anticipation the two granting a limitation of sixty years and a confirmation of all estates in Connaught.[2] The Lords Justices immediately announced the concessions throughout the kingdom.[3]

The conduct of the Lords Justices, on the occasion of this adjournment, has often been misrepresented; some writers, as Lingard, affirming that they prorogued the

Lord Fingal was outlawed on the 17th of November following (*Lords' Journals*, i., p. 674).

[1] *Commons' Journals*, i., p. 286.

[2] Lingard, vii., p. 506.

[3] Rushworth, iv., p. 392.

Parliament before the return of the agents in order to defeat the passing of the Graces into Acts. In the seventh article of the statement delivered by the Confederate rebels to the King's Commissioners at Trim in March, 1642, they asserted that the Lords Justices insisted upon an adjournment for this purpose. There was no prorogation, and the adjournment was forced on the Commons not by the Justices, but by the Upper House.[1] Far from preventing the Graces, the Justices did everything in their power to hasten their enactment. On the 3rd of the preceding April, the King had ordered the Justices to transmit bills for securing to his Irish subjects the free exportation of all kinds of grain, the sixty years' limitation, the confirmation of all estates or reputed estates of the inhabitants of Connaught, Clare, Limerick and Tipperary against all the titles of the Crown, the abolition of Warrants of Assistance, and also other bills, granting the fifty-first Grace, "and for all other parts of the said Instructions and Graces not herein expressed".[2] On the 12th of the next month the Justices wrote to England: "we have now sent over all the Acts required by the King's letter . . . and amongst the rest that of Connaught."[3] On the 12th of July, Sir Adam Loftus, one of the Irish Privy Council, wrote to Sir Harry Vane, the English Secretary of State: "We daily expect the coming of the Connaught Act and that of Limitation, and the Parliament will not incline to hear of an adjournment until they come over".[4] The fact was, as stated

[1] "August the 6th. A report from the Lords by Mr. Attorney General and Mr. Solicitor General that their Lordships find no cause to vary from their former opinion of adjourning to-morrow; and have, upon question, so ordered it, finding no cause in the letters from the Committee of that House, nor by what they understand at the Conference, to expect the Bills desired in a short time" (*Commons' Journals*, i., p. 284).

[2] *Ib.*, p. 211. [3] Hickson's *Ireland* ii., Append. p. 332.

[4] Quoted by Froude, *English in Ireland*, i., p. 104. Ed., 1887.

before, the Graces were delayed in consequence of the claim of the Irish Parliament to a judicial power, and the Upper House was weary of waiting for the return of the agents. The Lords Justices were at this time perfectly powerless to restrain the Irish Parliament, and were quite aware of their helpless condition.

What then was the cause of the Rebellion, since all the demands of the discontented had been conceded? There are only two foundations upon which a Government can rest with security: a military power to enforce obedience, or that mixed feeling which we call loyalty. When the Rebellion broke out, the army in Ireland was contemptible, consisting only of 2,000 foot and 1,000 horse, dispersed in garrisons throughout the four provinces.[1] Of attachment to the English Crown among the Roman Catholics there was no trace. Their defection was universal. Father Walsh, who resided at Kilkenny during the Rebellion, and was employed by the Supreme Council of the Confederates in their contentions with the Papal Nuncio, Rinuccini, calls it "the universal rebellion or insurrection of all the Roman Catholics of Ireland, a very few excepted".[2] Pope Innocent X., who, having his agents and overseers in every corner of the country, must be considered an authority of weight, says that "the whole body of Irish Catholics" rose in insurrection.[3] Sir Richard Belling, secretary to the Supreme Council, who was intimately acquainted with every circumstance connected with his party, tells us that "all Irish Catholics had entered on the war".[4] Even the towns,

[1] Letter of the Lords Justices, 25th October (Nalson, ii., p. 514).

[2] *Address to the Catholics, etc.*, p. 12; prefixed to his *History of the Remonstrance.*

[3] "Instructions to Rinuccini" (*Embassy of Rinuccini*, p. 35).

[4] Statement addressed to the Papal Delegate, Monsignore Scarampi, [the predecessor of Rinuccini] by Richard Belling (*History of the Confederation, etc.*, ii., p. 319).

which during the entire reign of Elizabeth had remained faithful, joined in the revolt, except the few in which there was a royal garrison. The Roman Catholics of English descent and those of the Celtic race, between whom a feud had existed for hundreds of years, were now united by their common religion. The jealousies of the two races had for a time been allayed, and they were prepared to carry out a design which "had been laid partly at home, but chiefly abroad in foreign parts, even several years before the troubles either of England or Scotland began".[1] The propagation of treason which had been going on for two generations at length brought forth its bitter fruit. For seventy years the Popes, in direct violation of the Divine law,[2] had in their bulls and by their ministers preached to the Roman Catholics of the three kingdoms the heretical and antichristian doctrine that a difference of religion in their sovereigns justified them in withdrawing their allegiance and in rebelling against them. As was natural and right according to their ideas of duty, the Irish bishops and clergy followed the lessons of their Supreme Pastor[3] and inculcated treason as a religious duty. "The

[1] Lord Castlehaven's *Memoirs*, p. 13.

[2] Question: "Is the divine law then quite clear as to the allegiance due by subjects to their prince?" Answer: "Quite clear".—Dr. Murray, Roman Catholic Archbishop of Dublin. Question: "Is the claim that some Popes have set up to Temporal Authority opposed to Scripture and Tradition?" Answer: "In my opinion, it is opposed to both." (Dr. Doyle, Roman Catholic Bishop of Kildare and Leighlin, *Digest of Evidence*, pp. 409, 347).

[3] On the 8th of October, 1642, Pope Urban VIII. granted a plenary indulgence to Owen Roe O'Neill and his supporters. On the 25th of May, 1643, the same Pope issued a bull bestowing a plenary indulgence "to all and everyone of the faithful Christians in the foresaid kingdom of Ireland, now and for the time militating against the heretics" (Gilbert, *Contemporary History of Ireland*, vol. i., pt. ii., pp. 524, 632). Walsh also refers to this bull: "The other was that Bull or Breve of *Plenary Indulgence* given yet more lately to all the Roman Catholics of Ireland who have joined in the rebellion, etc., etc." (*Address* 4, xi.).

Earls of Tyrone and Tirconnell," says a Roman Catholic nobleman who was a General of the Confederates, "and the Councils of Spain and Rome, and the Irish monasteries and seminaries in so many countries of Europe, and very many of the churchmen returning home out of them, and chiefly the titular bishops together with the superiors of religious orders, took an effectual course, under the specious colour of religion, to add continually new fuel to the burning coals, and prepare them for a flame on the first opportunity."[1] The opportunity had now arrived. The distractions in England, the expectation that that country would be prevented by its own troubles from interfering, and the disunion of the two great branches of the Irish Protestants[2] induced the Roman Catholics to adopt a course which brought innumerable calamities on themselves and on their posterity. For many years they had been looking for foreign aid; they now believed they were strong enough to do without it. And in October and November, 1641, the prophecy uttered more than twenty years before by Sir George Carew[3]—that whenever a favourable occasion should occur, the Sicilian Vespers would be acted over again in Ireland—was fulfilled to the letter. So effectually had the papal teaching deadened all sense of morality and all horror of crime, that the civilised lords and gentlemen of the Pale and of the rest of Ireland, though perfectly cognisant of the massacres in the North, deliberately and of their own accord threw in their lot with the savage rabble which had shed so much innocent blood.

The farce of the union between the Northern insurgents

[1] Lord Castlehaven, *Memoirs*, p. 13.

[2] The Roman Catholics and Presbyterians had co-operated so cordially in Parliament that the insurgents hoped to be joined by the Scotch settlers. This was the reason that Sir Phelim O'Neill charged his followers to spare the latter.

[3] *Carew Papers*, 1603-24, p. 308.

and the lords and gentry of the Pale was played on the hill of Crofty, within a few miles of Drogheda, in December, 1641. A body of rebels had invested Drogheda on the 21st of the preceding November. Thereupon the lords and gentry of the Pale invited Sir Phelim O'Neill to bring his Ulster forces and take part in the siege.[1] A small army of Royalists was despatched from Dublin to relieve the town, and was defeated at Julianstown on the 29th of November. Some days after this defeat, seven lords of the Pale, and gentry "to the number of about a thousand persons at the least," assembled on the hill of Crofty. When they were thus met together, a party of the northern leaders, attended by a guard of musketeers, advanced towards the assembly on the hill. As soon as the newcomers were within hearing, Lord Gormanstone, who had signed the letter inviting Sir Phelim O'Neill into the Pale, demanded of them "why and for what reason they so came with arms into the Pale." Roger Moore answered that they had taken up arms for freedom of conscience, the maintenance of the King's prerogative, and to make the subjects in Ireland as free as those in England. Lord Gormanstone then asked them, did they really mean what they said, and, upon their declaring that they were sincere, he replied, "seeing those be your true ends, we will join you." "Unto which course all agreed. And thereupon it was then publicly and generally published and declared, that whoever should deny and refuse to join in the same, and likewise to assist them therein, they would account him as an enemy, and to their utmost labour his destruction." [2]

[1] Examination of Sir Phelim O'Neill (*Contemporary Hist.*, vol. iii., pt. ii., p. 367).

[2] Examination of Edward and Nicholas Dowdall (*Hist. of the Irish Confederation*, i., pp. 268-285).

CHAPTER VII.

THE REBELLION OF 1641.

If we were treating of any other country than Ireland, all men would agree that forfeiture of their possessions was a just and even lenient punishment to inflict on rebels who had massacred many thousands of their fellow-subjects, and on those who had deliberately associated themselves with a party stained with innocent blood, and would consider the Parliamentary confiscations as the natural consequences of a general revolt. But many Irish writers have denied the massacres of 1641, and all have maintained that the loyalty of the Roman Catholics to Charles I. was untainted. The evidence which proves the massacres is irrefutable, even if we leave out of consideration the thirty-three volumes of sworn depositions in Trinity College, Dublin, and limit ourselves to the testimony of contemporary Roman Catholics. Lord Clanrickard, Lord Castlehaven, Father Walsh, Father Caron, Owen Roe O'Neill, George Layburn (chaplain to Queen Henrietta), and Cornelius O'Mahony (an Irish Jesuit, living in Portugal) are authorities which cannot be displaced. In 1645, O'Mahony published a book[1] abroad, *Superiorum Permissu*, which shows that the belief that many thousands of the Pro-

[1] Disputatio Apologetica de jure Regni Hiberniæ pro Catholicis Hibernis adversus hæreticos. Authore C. M. Hiberno, Artium et Sacræ Theologiæ Magistro. Accessit ejusdem authoris ad eosdem Catholicos exhortatio (Francofurti, *Superiorum Permissu*, 1645).

testants had been murdered was shared by Roman Catholic onlookers in foreign countries. "Persevere, my countrymen," says O'Mahony, "in the path you have entered on, and exterminate your heretical opponents, their adherents and helpers. Already, up to the present year 1645, in which I write, you have killed 150,000 of them, as they openly lament and you yourselves do not deny. I myself believe that even a greater number of the heretics has been cut off; would that I could say all." As for loyalty or affection to Charles among the overwhelming majority of Irish Roman Catholics, it did not exist. Their claim in this respect cannot be reconciled with their acts. They carried on a bloody war with the King's forces, convened a rival Parliament while his was sitting, raised taxes, despatched envoys to foreign Powers, besieged his capital city, and hawked his Crown of Ireland about Europe, offering it to any Catholic Prince who would accept it. If they were loyal, why, it may be asked, did they rebel, when all their grievances had been redressed and all their demands conceded? That it was not fear of religious oppression, or of the plantations, which induced them to revolt is shown by the fact that during the session of Parliament in which the Roman Catholic members were in a majority not a whisper was heard respecting either. In the Remonstrance of grievances, or in the Protestation against Strafford and his government there was not an expression referring to religion, or hostile to the plantations. Nor were the agents of both Houses, twelve of whom out of seventeen were Roman Catholics, ever commissioned to complain of their religious position, or of the plantations.[1] In their Remonstrance both Houses complained that many thousands of the King's subjects in the West Indies had

[1] See the "Instructions to the Agents," *Commons' Journals*, i., p. 164.

been ruined by the tobacco monopoly, and that "the worthy plantation" of the county of Londonderry had been almost destroyed, but of religion or against the plantations there was not a word. The absence of all complaint—respecting matters which were afterwards put forward in justification of the Rebellion—from a powerful body when in the ascendant will satisfy all sensible men that no such grievances existed. That it was not apprehension of the Puritans, as subsequently alleged, is shown by their alliance with the English Opposition, which consisted chiefly of that body, by their close union with the Presbyterians in the Irish Parliament, and by their attempt to allure the Northern Scotch to their side by an offer of security. In addition to these circumstances, we know that after the arrival of Cromwell the majority of the Irish Roman Catholic bishops were inclined to make terms with him, and preferred a submission to him to co-operation with the King's Lord-Lieutenant.[1] When in March, 1650, Lord Castlehaven proposed to them that they should renew their excommunication against those Catholics who had entered into compositions with Cromwell, enlisted in his service, or sent him provisions, they absolutely refused to do so.[2] In their Declaration against Ormond, of the 12th of August, 1650, they themselves refer to their negotiations with Cromwell, and say that "they could have agreed with the Parliament of England upon as good or better conditions" than were offered by Ormond.[3]

[1] O'Conor, *Hist. Address*, ii., p. 376. One of the accusations brought against Ormond's deputy, Lord Clanrickard, by John Ponce, a strong supporter of the bishops, is that he prevented a treaty with the Parliamentary party. French, Bishop of Ferns, on the 10th of January, 1651, proposed that an agreement should be made with the same party (O'Conor, ii., p. 422; Carte, ii., p. 143).

[2] Carte, ii., p. 121; O'Conor, ii., p. 372.

[3] See the "Declaration" in the *Appendix of Instruments;* Walsh, *History of the Irish Remonstrance.*

If we did not know that opinion is the spring and motive power of action, and that a propaganda of treason had been, for more than two generations, corrupting the minds and allegiance of the Irish people, we might say that, of all rebellions, that of 1641 was the most wanton and the most unprovoked. It was in truth a fanatical outburst, the product of Papal teaching, and of the hatred engendered by that teaching against the English heretics.[1] No Protestant was engaged in it. Those of the Old Irish who had adopted the Reformed faith, as O'Brien, Earl of Thomond; O'Brien, Lord Inchiquin; Owen O'Connolly; Daniel O'Neill, nephew of Owen Roe O'Neill; the Limerick branch of the O'Gradys, the Sheridans, etc., clung to the English interest. "It appears to be a true blessing of God," wrote Rinuccini, the Papal Nuncio, on the 10th of October, 1648, "that up to this moment, in these armies which fight for the Church, not one heretic is to be found."[2] Taking as true the statement of Pope Innocent X. that "the whole body of Irish Catholics" had risen in insurrection, or that of Sir Richard Belling, Secretary to the Supreme Council of the Confederates, that "all Irish Catholics had entered on the war," then all might have been justly punished with confiscation. Or, if we regard the account of Father Walsh as more specific, *viz.*,

[1] Mr. Lecky says [ii., p. 163] that the General Synod of Roman Catholic bishops at Kilkenny, 1642, "expressed in the most formal and emphatic terms their detestation of the robberies, burnings and murders which had been committed in Ulster". This statement is purely imaginary. No mention or reference whatever was made by these bishops to the Ulster atrocities, as may be seen by an examination of the twenty-nine Acts of the Synod; which are to be found in the *History of the Confederation*, published by Gilbert, ii., p. 34. Nor does Carte, whom Mr. Lecky quotes as an authority for his assertion, say so. Mr. Lecky's statement that the charge of having murdered Lord Caulfield brought against Sir Phelim O'Neill "has been completely refuted" is also unfounded.

[2] *Embassy of Rinuccini*, p. 423.

that the rebellion of the Roman Catholics was universal "a very few excepted," these exceptions will explain the fact that 100,000 acres of *profitable* land [1] were left in the possession of innocent Roman Catholics.[2]

For the eight years which preceded the arrival of Cromwell the Irish had the uncontrolled possession of the greater portion of their country. The accounts which we have of the infinite distractions which prevailed among them during this period would be incredible if they were not derived from the writings of contemporary Roman Catholics.[3] The interminable and ever-recurring animosities, contentions, sudden changes and defections could only have happened in a country which, like Ireland, had but lately been freed from the tribal system, and had not yet coalesced into a unity. "It is vain to hope for stability in this kingdom since affairs are never the same for two days together" wrote the Papal Nuncio in 1648.[4] "It was not by foreign arms or the fraud of the stranger" said an Irish Roman Catholic historian writing of these times, "that Ireland was devastated and torn in pieces; but by her own children, whom she had reared with indulgence and nourished at her breast. These, like vipers, despising peace among themselves, and fomenting sedition amongst her inhabitants, lacerated her fruitful bosom. She was destroyed by her own strength and by factious men,

[1] Profitable land means good land with the bad thrown in as of no account.

[2] *State of the Papist and Protestant Properties in Ireland in* 1641, 1653 *and* 1662, in the *Thorpe Collection;* also in *Somers' Tracts*, xi., p. 438.

[3] Letters and dispatches of the Papal Nuncio, *Aiazzi, Nunziatura in Irlanda*, translated by Miss Hutton, 1873: *Vindiciæ Catholicorum Hiberniæ*, 1650; Caroe, *Lyra*, etc., 1666; Walsh, *Hist. of the Irish Remonstrance*, and *Appendix of Instruments*, 1672; Paul King, *Epistola Nobilis, Hiberni*, etc., 1649; John Ponce, *Bellingi Vindiciæ Eversæ*, 1653; *Contemporary History of Affairs in Ireland*, edited by Gilbert, 1880.

[4] Hutton, *Embassy of Rinuccini*, p. 374.

who cunningly laid snares for her Supreme Council, and iniquitously persuaded her citizens, soldiers and cultivators to reject peace, to excite tumults and to disobey the commands of her Council".[1] Dissensions raged everywhere. The ancient feud between the Old Irish and those of English descent reappeared in tenfold strength.[2] The Anglo-Irish laity were opposed to Rinuccini the Papal Nuncio and Owen Roe O'Neill, the commander and representative of the Old Irish. The clergy were divided, "even in religion," says Rinuccini; "there are here as many factions as there are amongst the nobles themselves[3]." Of the twenty-seven bishops, seventeen supported the Papal Nuncio, whilst eight adhered to the Supreme Council, and "the religious orders were also divided amongst themselves in about the same proportion".[4] The towns acted as independent republics. Excommunications were denounced on the most trifling occasions.[5] Truces and treaties were made and immediately violated by the influence of the bishops and clergy. In 1646, a peace was concluded between Ormond and the Supreme Council of the Confederate Roman Catholics. The Papal Nuncio at once assembled a convocation of the Irish clergy at Waterford, and on the 12th of August, a fortnight after the peace had been proclaimed, that body unanimously denounced it as iniquitous, declared that the Council were perjurers, and issued an excommunication against all who should obey them, or

[1] Caroe, *Lyra*, p. 370.

[2] The mutual hatred between the Old and the Anglo-Irish is constantly dwelt on by the Papal Nuncio, see Hutton, pp. 225, 290, 408, 485, 488, etc. How deep the feeling was is shown by the language of the authors of the *Contemporary History of Affairs in Ireland* and of the *Disputatio Apologetica*.

[3] "Letter of the Papal Nuncio to Cardinal Panzirolo" (Hutton, p. 334).

[4] *Ib.*, p. 532.

[5] *Vindiciæ Catholicorum*, p. 36.

adhere to the peace.[1] Supported by Owen Roe O'Neill, the Nuncio returned to Kilkenny, the seat of the confederation, and deposed the Supreme Council, imprisoning all its members, except two, as betrayers of their religion and country.[2] The clergy at once became masters of the kingdom, and appointed a new Council with the Papal Nuncio as its president. The first step of the new Government was to despatch the armies of O'Neill and Preston to besiege Dublin, then held by Ormond for the King. But this attempt was a complete failure, owing to the hatred and suspicion which prevailed between the forces of Preston and the Old Irish under O'Neill—each army fearing an attack from the other.[3] This failure and the odium caused by their seizure of the supreme power, compelled the clergy to call a General Assembly which met in the following January, and in which the lay element gradually recovered its preponderance. In July, 1647, Ormond, believing that Rinuccini and the Old Irish were resolved on transferring the Crown to a foreign prince, and hoping that Dublin would be restored to the King when he and his subjects were again reconciled, delivered up that city to commissioners of the Parliament, and departed from Ireland. During this year two large armies of the Confederates were destroyed; one, that of Preston, by Jones at Dungan Hill; the other, Lord Taafe's, by Inchiquin at Knocknoness. Shortly after this latter battle, Inchiquin declared for the King, and the Supreme

[1] "Rinuccini's Report on the Affairs of Ireland presented to Innocent X." (Hutton, p. 498).

[2] *Vindiciæ Catholicorum*, p. 35. "Rinuccini's Report" (Hutton, p. 504).

[3] "It was impossible to reconcile them [Preston and O'Neill] since what one proposed the other objected to . . . the Leinster men began to doubt if O'Neill had any other aim than to overpower them; the Ulster, that Preston had already made a compact with the Marquis [Ormond] to place them between the two armies and put them to flight." "Rinuccini to Cardinal Pamphili" (Hutton, p. 227).

Council resolved to make a truce or cessation with him. Accordingly it was concluded with Inchiquin, and proclaimed on the 22nd May, 1648. On the 27th of the same month Rinuccini, fearing that the design of the truce was to bring back Ormond,[1] pronounced a sentence of excommunication against all who were accomplices in or adherents to the truce, and an interdict on all places in which it should be accepted or recognised.[2] The Supreme Council immediately appealed to the Pope against the Nuncio's censures as being erroneous both in matter and form,[3] and at the same time published an admonition to the Confederates, reminding them that the acts of the Nuncio could not affect the obedience due by them to the Council. Rinuccini fled secretly from Kilkenny and took refuge with Owen Roe O'Neill, who was then at Maryborough. On the 11th of June Owen Roe, regardless of his oath of obedience to the Supreme Council, declared war against that body and all who should obey it, and wasted the quarters of those who adhered to it with fire and sword.[4] On the other hand, the Council proscribed Owen Roe and despatched their generals, Preston and Taafe, against him.

[1] Hutton, p. 408. Carte. ii., p. 32.

[2] "Report of Rinuccini to the Pope" (*Ib.*, 531). The excommunication may be read in *Vindiciæ*, p. 90; or in Walsh's *Appendix of Instruments*, p. 34.

[3] The Appeal is dated the "last day" in May, 1648, and is in Walsh's *Appendix*, p. 35. It was rejected at Rome as frivolous (O'Conor's *Hist. Address*, ii., 414). The nobles and gentlemen who opposed the Nuncio's censures were not absolved until 1698 (*Burke, Hibernia Dominicana*, 690). Eight bishops were also included in these censures, of whom the Archbishop of Tuam was absolved in 1657; Killala in 1659; Ardagh, Kilfenora and Dromore were still unabsolved in 1659; Routh of Ossory died in 1650 and Dease of Meath in 1651, both apparently unabsolved. O'Dwyer of Limerick died at Brussels in 1654, and was buried at night as excommunicated.

[4] *Vindiciæ*, pp. 118, 119.

Rinuccini, after his flight from Kilkenny, had intended to call a national synod of the clergy at Athlone to confirm his censures, but this plan was defeated by the capture of that town by Preston, the general of the Supreme Council. The Nuncio therefore removed to Galway and there summoned a synod. The Supreme Council was resolved to prevent it, and "for this purpose they posted troops of horse on all the different roads and drove back the bishops and all the other ecclesiastics,"[1] so that the synod could not be held. In September 1648 the General Assembly of the Confederates met and ratified all that their council had done in the matters of the truce and the appeal. They denounced Owen Roe as an enemy of his country and religion, and resolved that the Nuncio, if he did not depart of his own will, should be expelled the kingdom as a public incendiary.[2] To effect this, they wrote to him in the name of their Speaker, forbidding him to interfere any longer, either directly or indirectly, in the affairs of the kingdom, and admonishing him to leave a country "against which he had for the space of three years committed many oppressions, enormous crimes, and capital offences, to the unspeakable detriment of religion, the ruin of the nation, and the disgrace of the Roman See".[3] They also published an edict forbidding the people of Galway and the other Confederates under severe penalties to hold any communication with the Nuncio or to obey his censures and interdicts.[4] Rinuccini lingered at Galway for some time, waiting to see how Ormond, whose return was then expected, would be received by the General Assembly. On

[1] "Report of Rinuccini to the Pope" (Hutton, p. 539).

[2] Nihil reliquum visum est Comitiis quo natio tota ab integra et præsenti ruina servari forte posset, quam si Reverendissimus Nuntius e regno rogatus et lubens proficisceretur, aut si renueret, tanquam incendiarius publicus invitus expelleretur" (*Vindicio*, p. 146).

[3] *Ib.*, pp. 148-160.

[4] *Ib.*, pp. 161-164.

the 23rd February, 1649, he left Ireland and arrived in France, where he remained six months, encouraging his adherents to oppose Ormond and to give effect to his censures.[1]

Three months before the Nuncio departed, Ormond had returned to Ireland with the vain hope of uniting parties which were incapable of cohesion for any length of time. When he landed in September, 1648, Owen Roe O'Neill was at war with the Confederates, and at the same time endeavouring to make his peace with the English Parliament. For this purpose he had sent an agent to London offering to support that party on certain conditions, and had also concluded a cessation with Jones, their general, in Dublin, and with the Scots in the North.[2] Ormond brought to his task unwearied diligence and patience. He succeeded in rallying to the King the Irish of English descent, the English Royalists who had fled to Ireland at the end of the first Civil War, and a strong party among the Scots of Ulster. In January, 1649, he concluded a peace with the General Assembly of the Confederates, containing very favourable terms for the Roman Catholics.[3] The first results of this union were that Sligo, Drogheda, Dundalk, Waterford, Trim, Newry, and all the strongholds in the kingdom, except Dublin and Derry, were recovered for the King. Encouraged by these successes, Ormond advanced to the siege of Dublin, where he was totally defeated by Jones on the 2nd of August, 1649. A fortnight later Cromwell landed at Dublin, and in September took

[1] *Vindiciæ*, p. 175.

[2] Ludlow, i., p. 255. Carte, ii., p. 36.

[3] One of the articles of this peace will raise a smile: "That two Acts lately passed in this kingdom, the one prohibiting the plowing with horses by the tail, and the other prohibiting the burning of oats in the straw, be repealed." The repeal of these Acts was one of the demands of the Confederates.

Drogheda by storm. From this time, complete confusion reigned among the Irish. Though Ormond at length succeeded in making a treaty with Owen Roe, who was dissatisfied with the Parliament for rejecting his terms, he was unable, owing to the cabals which sprang up in every corner of the country, to check the progress of the Parliamentary forces. Emboldened by the defeat of Ormond at Dublin, the adherents of the Nuncio, and especially the regulars, resumed their intrigues. They inveighed against Ormond and his supporters as enemies of God and man;[1] accused him of treachery; complained that the Nuncio, a man who had done so much for Ireland, had been driven away by Ormond and his faction; clamoured that he should be recalled and entrusted with supreme power, and preached everywhere that, as they had to submit to a heretic, it mattered little whether the submission was made to Cromwell or to Ormond.[2] Many of the towns, which were strongly influenced by the Nunciists, declined to recognise the authority of Ormond. Wexford was betrayed to Cromwell by one of the Nuncio's adherents. Waterford, Limerick and Galway refused to receive garrisons of Ormond's troops. At Waterford it was proposed in the Common Council of that town, to seize Ormond's person and to fall upon his followers as rebels and enemies.[3] The

[1] Nunc inter nos regnat discordia a Rinuccinianis pridem sata, et ab iisdem etiam nunc studiose ac jugiter fota ac nutrita; qua sit ut illi alios minus sibi consentientes ac inprimis Proregem ejusque Assessores, licet omnes ad unum Catholicos, proditorum religionis et patriæ hominumque Deo et sanctis ejus invisorum loco habeant et ab aliis haberi velint (*Vindiciæ Catholicorum*, lib., i., 235).

[2] Rinucciniani passim prædicare non verentur; quando alterutri e duobus hæreticis succumbere necesse est (Ormondum intelligunt et Cromwellum) uter prævaleat, utri parendum, susque deque ferendum est (*Vindiciæ*, i., 236).

[3] The works of French, Bishop of Ferns; of John Ponce; the *Contemporary History of Ireland;* and the letter of Paul King, display the intense hatred borne to Ormond by the adherents of Rinuccini.

bishops thought they had an opportunity of regaining the power they had exercised in the time of the Nuncio, or as Ormond expressed it, they were affected with "their itch to have a hand in the civil and martial affairs" of the kingdom.[1] On the 13th of March, 1650, twenty-four of them proposed to the Lord-Lieutenant that a Privy Council should be appointed to sit with him "and determine all weighty affairs of the country by their counsel." Ormond objected to the formation of such a body at a time when unity of action was so necessary for the cause of the King. On the 24th of July following, two of the archbishops announced to him that they and their brother archbishops intended to convene a synod of bishops at Jamestown on the 6th of August, and requested him to send to the synod "proposals for the safety of the nation." To this unusual demand Ormond replied that all the late failures and losses had been caused by disobedience, "and that the spring of those disobediences had arisen from the forgeries invented, the calumnies spread against the Government, and the incitements of the people to rebellion by very many of the clergy." He allowed the synod to meet with an expression of hope that their consultations would lead to an amendment of the errors which were doing so much mischief. The bishops soon disclosed the object at which they were aiming and their real feeling to Ormond. On the 10th of August their synod sent the Bishop of Dromore and the Dean of Tuam to him with a letter requiring him to leave the kingdom; and on the 12th, without waiting for his answer, they drew up a Declaration against the continuance of the royal authority in his person and excommunicated all who should adhere to him or obey his commands.[2]

[1] "Ormond's Letter to the Lords and Gentlemen assembled at Loghreah" (Walsh, *Appendix of Instruments*, p. 76).

[2] All the documents mentioned above are to be found in Walsh's *Appendix of Instruments*.

Ormond seeing that he could effect nothing against the opposition of the bishops, left the kingdom on the 11th of December, 1650, having appointed Clanrickard as his deputy.

Clanrickard, though a Roman Catholic, received no better treatment than Ormond had experienced. All his efforts to support the Royal cause were thwarted by the bishops. He was hated by the Nunciists for having opposed Rinuccini, and for having besieged him in Galway. They asserted that he was included in the Nuncio's censures, and was therefore excommunicated. A few months after his acceptance of the government, Clanrickard sent two commissioners, Sir N. Plunket and Geoffrey Brown, to Brussels; who were, with Lord Taafe then abroad, to make a treaty with the Duke of Lorrain for the advance of money to carry on the war. About the same time a committee of the bishops, behind Clanrickard's back, appointed French, Bishop of Ferns, and Sir J. Preston, jointly or separately, to conclude on their behalf a treaty with the same Prince, "whom," they said in their Commission, "we elect to be the Royal Protector of the Kingdom of Ireland".[1] On the arrival of Plunket and Brown at Brussels, Taafe being in Paris, they found the Bishop of Ferns there with the Duke, treating with him in virtue of the secret commission of the prelates. The Bishop of Ferns represented to Clanrickard's commissioners that the deputy was excommunicated *a jure et homine;* that at Rome he was accounted a great contemnor of the authority and dignity of churchmen, and persecutor of the Nuncio; and that their authority was derived from "a withered, accursed hand".[2] Persuaded by the authority

[1] "Quem in Regium Protectorem Regni Hiberniæ eligimus." The Commission is in Burke's *Hibernia Dominicana*, p. 700.

[2] *Memoirs of Clanrickard*, p. 114.

of the bishop, Clanrickard's commissioners, concealing the instructions given them by him, and acting on the instructions of the prelates, signed a treaty with the Duke on the 2nd of July, which conferred on him the real sovereignty of Ireland. Seven weeks elapsed before Plunket and Brown informed Clanrickard of the treaty which they had made. When Clanrickard had received notice of it, he immediately wrote to the Duke repudiating the treaty, and to his commissioners accusing them of having violated their trust.[1] The bishops, however, were resolved to accept the treaty their agents had made. On the 29th of July, Reilly, Archbishop of Armagh, summoned a synod of his province. There they decreed that no bishop should be admitted in future to the General Assembly till he was absolved from the Nuncio's censures; declared the Duke of Lorrain Protector of the kingdom, and that all who did not submit to the Duke should be excommunicated; resolved that the old confederacy should be revived, and that the bishops of each province should name two, and that the eight so nominated should have the government of the whole kingdom, subject to the assent of the bishops in all matters.[2] Having thus upset the existing Government, they drew up and signed an excommunication against Clanrickard and all who should adhere to him.[3] The Acts of the Armagh Synod were adopted by a synod in Leinster, and also by a synod in Connaught. While the bishops and clergy were declaring and decreeing, the Parliamentary forces were gaining possession of the fords of the Shannon and the passes into Connaught—the only province then held by the Confederates. Limerick was surrendered on the 27th of

[1] "Letter to the Duke of Lorrain" (*Memoirs of Clanrickard*, p. 88).
[2] Carte, ii., p. 153; O'Conor, *Hist. Address*, ii., p. 461.
[3] Carte, ii., p. 153; *Hist. Address*, ii., p. 461.

October. The fate of Galway was delayed for some months by the death of Ireton; but on the 12th of May, 1652, that town also capitulated, and the rebellion was at an end.[1]

The miseries brought upon Ireland by the rebellion were incalculable and beyond conception. While their natural leaders, both ecclesiastical and secular, were fighting or scheming, the people were dying in hundreds. Europe has seldom witnessed such a scene of suffering as prevailed in the unhappy country during the eight years which preceded the arrival of Cromwell. To use the language of two Roman Catholic archbishops, Ireland had become "the fable and reproach of Christianity".[2] From the first beginning of the outbreak law and order were at an end. A system of general pillage was instituted, and tumultuary mobs took possession of the country. Industry was paralysed and every man did that which was right in his own eyes. Bands of marauders ranged up and down through the land, and seized upon any property they desired. The report of "rich and easy bootyes" obtained in the North, spread into the other parts of Ireland, and the "multitude, armed but with clubs and skeins ran to partake of so plentiful a harvest. Here, you might see seven or eight fellows driving through the plains of a territory, well inhabited, forty or fifty English cows, as leisurely and as securely as if they had bought them at the next market; there, as many more attending on a fair flock of sheep as quietly as if they were but herds that led them to fresh pastures; and in a word, the confusion of the times and the least countenance of force authorised very

[1] Ross Castle, in Kerry, was the last stronghold which held out. It surrendered to Ludlow on the 27th of June, 1652.

[2] "Letter of the Archbishops of Dublin and Tuam to Ormond, 24th July, 1650" (Walsh, *Appendix of Instruments*).

exorbitant and scarce credible actions."[1] But the depredations, even in this early stage, were not limited to any one class; they were universal. The Synod of Roman Catholic Bishops, which met at Kells in March, 1642, five months after the rebellion broke out, declared, in one of the Acts of the Synod, that the country was afflicted and exhausted with "the infinite and horrible evils" which resulted from the want of chastisement and correction. "It is universally known and is too certain," say they, "that all the possessions of the inhabitants, both ecclesiastical and lay, in every part of the country are, without respect of persons, being destroyed. Widows are rendered desolate; the rich are pauperised; the poor are treated with violence; farmers are marked out for outrage; cultivation is prevented and is wholly ceasing; order and subordination have disappeared, and every man is turning soldier for the purpose of waste and extortion[2]". The establishment of a Supreme Council brought but little relief to the country. In their appeal to the Pope in 1648, more than fourteen months before the arrival of Cromwell,[3] the Supreme Council give a lamentable account of the desolation of the province of Munster, "lately most flourishing". They describe it as rent in pieces, its cultivation given up, its inhabitants labouring under want and famine, and deserting their lands and farms. They declare that the counties of Waterford, Tipperary, Limerick and Kerry had been utterly consumed by fire and sword. These evils are attributed by them to the constant and

[1] *History of the Irish Confederation and the War in Ireland*, 1641-43, i., p. 24. The editor of this book attributes it to Sir Richard Belling, secretary to the Supreme Council.

[2] "Proceedings at the Synod of the Province of Armagh, held at Kells, 22nd of March, 1642" (*History of the Irish Confederation*, i., p. 290).

[3] The Appeal is dated 31st of May, 1648. Cromwell landed the 14th of August, 1649.

unchecked incursions of O'Brien, Lord Inchiquin; but the depredations of that chief in Munster were mild in comparison with the ravages of Owen Roe O'Neill and his Ulster soldiers in the provinces of Leinster and Connaught. His troops "barbarous enough by nature, although good Catholics[1]," driving their innumerable cattle before them, and attended by their women and children, literally ate up the country, and perpetrated all the excesses to be expected from a horde of savages let loose on a land inhabited by their enemies.[2] "Never," wrote Rinuccini to Sir Richard Belling in 1646, "did barbarians or Scythians commit such atrocities as the soldiers of Owen Roe O'Neill, and I am obliged to bear the odium of them, as these scoundrels call themselves my army[3]." Speaking of Owen Roe's attempt on Kilkenny, the author of the *Vindiciæ Catholicorum* says, "he, according to his usual custom, devastated the country far and wide, slaughtered innocent Catholics, and plundered every place, not sparing even the churches and their sacred utensils".[4] On one occasion, when it

[1] Rinuccini's description of them (Hutton, p. 283).

[2] "Our own forces of the Ulster army devouring what was left by the common enemy, and in hostile wise destroying all places which by others were left untoucht. . . . So great a dearth of corn as Ireland hath not seen in our memory; and so cruel a famine which hath already killed thousands of the poorer sort . . . lastly, so much dissension, such distance and such malignant hatred 'twixt ourselves within the body of the Confederates."—Answer of the Roman Catholic Bishop of Meath and sixteen ecclesiastics of position to queries propounded by the Supreme Council, 14th of June, 1648.

[3] *Vindiciæ Catholicorum, lib.* ii., p. 13. To Rome the Nuncio wrote in 1647: "One thing I cannot pardon; either through gratitude for the money given last year, or for the glory of his country, or for some other purpose, he [Owen Roe] allowed his soldiers to call themselves the army of the Pope and the Church. The result is that whenever the Ulster soldiers . . . perform any act of cruelty or robbery, the sufferers execrate His Holiness and me, and curse the clergy whom they consider the patrons of this army" (Hutton, p. 283).

[4] *Vindiciæ Catholicorum, lib.* i., p. 134. "It cannot be denied that during the whole war, the Ulster soldiery had treated the people with such harsh-

was feared that Rinuccini intended to send Owen Roe and his army into Munster to support his creature Glamorgan against Muskerry, the gentry of that province declared to the Supreme Council, that though they were obedient sons of the Church and faithful to the Confederate cause, they would join Ormond, Inchiquin, or the Turk, rather than expose themselves to be destroyed and enslaved by the Ulster forces.[1] The hatred and fear inspired by the cruelties of the Ulster men were so great, that at one time, long before the arrival of Cromwell, and before Owen Roe had declared war against the Supreme Council, it was proposed to disarm them all in one night when distributed in their quarters; at another time, to massacre them.[2] In addition to the evils and ravages of the intestine wars, famine and pestilence had invaded the country. The long continuance of the internecine struggles, the destruction of crops, the stoppage of agricultural industry, and the loss of cattle and sheep brought with them famine, and famine produced its invariable attendant—pestilence. The stock of cattle and sheep was almost destroyed, so that when Parliament obtained possession of the country, it was found necessary to issue a proclamation forbidding the killing of lambs or calves.[3] In 1652, the inhabitants of

ness that they had excited a very bitter hatred against them; and in this matter it appeared that the General was wanting in his duty, as there was reason to suspect that he did not punish the guilty, and for no other reason than that he was in fear of losing his followers."—"Report to the Pope by the Nuncio after his return from Ireland" (Hutton, p. 517).

[1] Carte, ii., p. 3. "The Ormondists [Confederates who supported Ormond] who came from the districts he [Owen Roe] occupied . . . had but one answer to the questions I put to them, 'they wanted no Ulster men in Munster'. The same thing was repeated in very coarse terms to myself by a very good Catholic." —"Report to the Pope" (Hutton, p. 532).

[2] Hutton, pp. 364, 395. See also *History of Contemporary Affairs in Ireland*, i., p. 185.

[3] Ludlow, *Memoirs*, i., p. 292.

Dublin were obliged to buy their meat from Wales, there being none in that city.[1] Ludlow declares that he was informed by "persons deserving credit" that, owing to the universal depredations, many of the Irish were driven to such extremities by the famine, even in the first year of the rebellion, that they roasted and ate the bodies of men. Colonel Laurence says that an officer of his acquaintance once came upon a company of old women and children cooking and eating portions cut off from a dead body round which they were sitting. The same gentleman has left us an appalling picture of what came under his own eyes at the close of the rebellion. "What the sword spared, the grievous famine and dreadful pestilence devoured . . . about the years 1652 and 1653 the plague and famine had swept away whole countries, that a man might travel twenty or thirty miles, and not see a living creature, either man, beast or bird, they being all dead or had quit those desolate places, that our soldiers would tell stories of the place where they saw a smoke, it was so rare to see either smoke by day, or fire or candle by night; and when we did meet with two or three poor cabins, none but very aged men with women and children, and those with the Prophet might have complained, 'we are become as a bottle in the smoke, our skin is black like an oven because of the terrible famine.' I have seen those miserable creatures plucking stinking carrion out of a ditch, black and rotten, and have been credibly informed they have digged corps out of the grave to eat."[2] This description is similar to that of Ireton, who says that, in his circuitous march from Waterford to Limerick, he passed through districts of thirty miles together, with hardly a house or

[1] Petty, *Political Anatomy of Ireland*, p. 26. Thom, *Tracts and Treatises.*

[2] *Interest of Ireland in its Trade and Wealth*, ii., p. 86.

living creature to be seen.[1] The country was a wilderness. More than half of the inhabitants had perished, and wolves had taken the place of men. Hunts for the destruction of these animals were instituted throughout the kingdom at the public expense, and the assessments on the counties for this purpose were a serious charge; six pounds being offered for the head of a bitch wolf and five for that of a dog wolf, with lesser sums for the heads of cubs.

In September, 1653, the Parliamentary Government declared the rebellion to be at an end, and proceeded to settle the country on the lines of an Act which had been issued in the preceding year, before the complete conquest of the kingdom.[2] There were two parties which the English Government considered deserving of punishment. The Irish Protestants who had fought under Ormond after the death of the King against the Parliamentary forces; and the Roman Catholic nobility and gentry who had commenced the rebellion, and fought against both the King and the Parliament, or had contributed supplies to the combatant rebels. In 1647, Ormond had submitted to the Parliament, and had delivered up the city of Dublin to its Commissioners. In the following year, he returned to Ireland, and renewed his efforts on behalf of the King. This return, after submission, was a very questionable proceeding, and had a most injurious effect on the negotiations then going on at Newport between the King and the Puritans. By his submission and departure from Ireland, Ormond had placed himself in the position of the English Royalists, who, at the end of the first Civil War in

[1] Prendergast, *Cromwellian Settlement*, p. 79, 2nd edition.

[2] "Settling of Ireland, 12th of August, 1652" (Scobell, *Acts and Ordinances*, p. 197).

1646, had come to terms with the successful party,[1] and the Parliament naturally regarded his resumption of arms as a breach of faith. They therefore determined to punish Ormond and those who had borne arms under him against Cromwell and the Parliamentary forces. At first, it was intended to transplant the landowners among them, but by two ordinances of Cromwell, more favourable terms were granted to them, and they were generally allowed to compound for their delinquency by a fine of two years annual value of their estates.[2] As for the Roman Catholic landed proprietors, "the chiefest and eminentest of the nobility, and many of the gentry, had taken conditions from the King of Spain, and had transported forty thousand of the most active, spirited men, most acquainted with the dangers and discipline of war".[3] The rest of the landowners, the bulk of the people being undisturbed,[4] were transplanted to Connaught, where they received portions equal to one-third or two-thirds of the estates formerly enjoyed by them, according as they had, or had not, borne arms in the rebellion.

At first sight it appears hard that those Roman Catholic proprietors, who had not borne arms in the rebellion, should only receive an equivalent for two-thirds of their

[1] A portion of these Royalists streamed over to Ireland after the failure of their cause in England, and found their fate at Drogheda.

[2] "Indemnity to the English Protestants of the Province of Munster in Ireland, 27th of June, 1654," "Protestants in Ireland admitted to Compound, 2nd September, 1654" (Scobell, *Acts and Ordinances*, pp. 317 and 359).

[3] Quoted by Mr. Prendergast from Gookin's "Great Case of Transplantation discussed" (*Cromwellian Settlement*, p. 139).

[4] That is "husbandmen, ploughmen, labourers, artificers, and others of the inferior sort," and "every person and persons having no real estate in Ireland, nor personal estate to the value of ten pounds," a sum equivalent to fifty pounds now. See *Act for the Settling of Ireland*, sections 1 and 9.

former estates. But the Parliament knew well that the rebellion had been as universal as Father Walsh, Sir Richard Belling and Pope Innocent X. describe it, and that all, with very few exceptions, who were allowed to retain their lands, had either fought on the side of the Confederates or contributed money or supplies to its maintenance. When the Parliamentary Settlement came to be revised in the reign of Charles II., it was laid down in the Act of Settlement that no Roman Catholic who had enjoyed his estate within the rebels' quarters should be regarded as innocent of the rebellion. This likewise appears to be a hard condition. But it is unfair to charge the Parliament with harshness, or to say that the condition respecting innocents in the Act of Settlement was unjust without taking into consideration what had actually occurred. There is no reason to believe that there were fifty Roman Catholic proprietors of land in the whole of Ireland who were not engaged in the rebellion, either directly as combatants or indirectly as contributors and supporters. The principals in the rebellion, the Supreme Council of the Confederates and the bishops, had taken good care that all should be equally guilty, and that no one should be allowed to enjoy his estate quietly in their quarters without joining their Confederation. When the lords and gentry of the Pale united with the Northern rebels in December, 1641, they "publicly and generally published and declared that whosoever should deny and refuse to join in the same and likewise to assist them therein, they would account him as an enemy, and, to their utmost, labour his destruction". In their Kilkenny synod of May, 1642, the bishops excommunicated "all and every such as forsake this union, do fight for our enemies, accompany them in their war, defend or in any other way assist them, as giving them weapons, victuals, counsel, or

favour," and reserved for the local ordinaries "the judgment and punishment of the neuters".[1] Thus John Fitzgerald, knight of Kerry, was the only Roman Catholic of rank in that county who refused to join in the rebellion. He was excommunicated for his neutrality by the Roman Catholic bishop.[2] Thomas Dease, Roman Catholic Bishop of Meath, had laboured earnestly to keep the nobility and gentry of his diocese from embarking in the rebellion, and had declined to attend the Synod of Kells, which in March, 1642, pronounced the rebellion to be a lawful and pious war. The bishop was accused of having said that the war was groundless and unjust. The synod ordered him, under pain of incurring *heresy* and of being reported to the Pope, "to recant clearly and fully all that he had said against the present war and the pious efforts of the nobility," and to subscribe the acts of the synod within three weeks. In case of non-compliance within the time appointed, they suspended him from his office until he changed his mind.[3] Not only did the bishops in their synods excommunicate those who declined to join their association, but they ordained that all those who were "stubborne or dangerous" should be transported from their own to another part of the country, there to be safely kept.[4] The Supreme Council of the Confederates was not behind the bishops.

[1] Seventeenth Act of the Irish Congregation at Kilkenny, May, 1642 (*History of the Confederation*, ii., p. 34).

[2] Hickson, *Ireland in the Seventeenth Century*, i., p. 156.

[3] Ulterius vero etiam, nisi, uti præmissum est, satisfecerit et obedierit præfatus Dominus Thomas, Medensis Episcopus, volumus, definimus, et declaramus, eundem D. Thomam, Medensem Episcopum, elapsis tribus supra dictis septimanis ab officio suspensum fore, et pro tunc esse donec resipiscat. Proceedings of Armagh Synod (*History of the Confederation*, i., p. 290).

[4] "If any one stubborne or dangerous be found in one province, county, or town, let him be sent to another province, county, or town, where he may be safely kept, and, with lesse danger or losse of others, remain."—Twelfth Act of the Kilkenny Synod (*Ib.*).

They treated all neutrals as enemies, and ordered the rents of their estates to be paid to their own officials. The Earl of Thomond was at first a neutral,[1] and desired to live quietly in his castle. His agents received the following order:—"By virtue of a commission from the Right Honourable the Supreme Council to us directed for the receiving of all rents due since Easter or May last out of enemies' and neuters' estates within the County of Clare; these are therefore to will and require you that you shall not receive or take up any rents due as aforesaid within the said county, as you shall answer the contrary at your peril."[2] A few days before this order, the earl's tenants had been directed by Commissioners from the Supreme Council not to pay their rents to his agents "to prevent their double loss".[3] Sir Teige M'Mahon had refused to join the Confederation or to take the oath of association; he was threatened with the loss of his castle and of all his other possessions.[4] Sir Thomas Sherlock, a Roman Catholic, for refusing to join the Confederation and to lend money to buy ammunition from France, was stripped of everything, "so that himself, lady, and children had not so much as their wearing clothes left," and was turned out of his castle of Butlerstown "in his slippers, without stockings, leaving him only a red cap and green mantle".[5] Another Roman Catholic of rank, the old Earl of Westmeath, for refusing to join the insurgents of the Pale, and to send a certain

[1] "It was resolved in Councell that if he (the Earl) could be thus compelled to joyne in their Association, without toucheing upon his religion, he should be in the condition of other Confederates; or if, without adhearing to the enemy, he did continue neuter, a competent part of his estate should be set forth for his livelihood, and noe declaration made by which hee should be subject to the penaltie of neuters" (*History of the Confederation*, i., p. 137).

[2] *Ib.*, iv., p. 54. [3] *Ib.*, p. 53. [4] *Ib.*, xxix., p. 31.

[5] Thurloe, v., p. 238. Prendergast, pp. 275, 483.

number of men to the siege of Drogheda, was so harshly used by them that he attempted to escape to Dublin. On his way he was attacked by a strong body of rebels who robbed him, stripped his wife and her attendant in a shameful manner, and so maltreated the old earl that he died shortly afterwards. His house and property were also destroyed to the value of twenty thousand pounds.[1] When we find that the whole spiritual and temporal authority which then existed in Ireland was made use of to coerce all men into rebellion, and that the only choice given was revolt or ruin, we may well wonder that even "the very few" mentioned by Father Walsh were able to resist the pressure. The existence of the rule, which excluded from innocence those who had quietly enjoyed their estates in the rebels' quarters, is to be ascribed to the action of the bishops and of the Supreme Council of the Confederates, which made it almost impossible for a Roman Catholic to adhere to his allegiance. The rule was long debated in the English Privy Council before it was inserted in the Act of Settlement. "But," as we are informed by the Attorney-General, "the reason which prevailed for the inserting of it was this: that the rebellion was almost twenty years before the passing of the Act; and the Irish having murdered all the English or driven them away, it was not possible to find a witness against some persons in the whole barony. And it being certain no man could live quietly among the Irish who did not comply with them, the very enjoying an estate in those quarters was left in the Act as a mark of delinquency".[2]

When at the end of the rebellion the adventurers and soldiers received possession of the lands allotted to

[1] Archdall's *Peerage*, i., p. 240 and note; O'Conor, *Hist. Address*, ii., p. 229.

[2] Report of Sir Heneage Finch, Attorney-General, made in Council on February 1, 1670-1 (Carte, Appendix).

them under the Parliamentary settlement, Ireland was a desert. But the new proprietors set to work with a will, aided by the farmers and peasants who remained in their homes, and were employed as tenants or servants. The adventurers and soldiers speedily effected a change in the face of the country. Houses were erected, plantations of trees made, seats were built and parks enclosed. The new owners were easy landlords, and their tenants, remembering the ravages of the war, could not but compare their present security with their former misery. "The farmers," says Mr. Prendergast, "found their condition improved under the Cromwellians[1]." "Nothing is farther from the truth," wrote Archdeacon Lynch in his reply to a book published by another Roman Catholic before the Restoration of Charles II., "than the statement that the lower orders of the Irish desire the re-establishment of the Confederation. For now the farmers of that country conduct themselves with an insolent petulance they never showed before; as the Parliamentary Governors, though they have not entirely freed them from impositions and taxes, have yet greatly lightened their burdens. Whence it is, that revelling in abundance they have become saucy, and, like men wholly devoted to the acquisition of wealth, prefer, by many degrees, their present to their former condition".[2] The rapid advance of the country in prosperity made a deep impression even upon the enemies of the Puritans. "It cannot be imagined," says Lord Clarendon, "in how easy a method and with what peaceable formality this whole great kingdom was taken from the just lords and proprietors, and divided and given amongst those who had no other right to it but

[1] *Cromwellian Settlement*, p. 347.

[2] *Alethinologia*, i., p. 136. The archdeacon makes use of the word *plebem*, not *populum*.

that they had power to keep it. . . . And which is more wonderful, all this was done and settled within little more than two years to that degree of perfection, that there were many buildings raised for beauty as well as use, orderly and regular plantations of trees, and raising fences, and enclosures throughout the kingdom, purchases made by one from the other at very valuable rates, and jointures made upon marriages, and all other conveyances and settlements executed as in a kingdom at peace within itself, and where no doubt could be made of the validity of titles." When the Parliamentary settlement had been accomplished, Ireland was incorporated with Great Britain and the first Legislative Union was effected.[1]

[1] The three kingdoms were represented in the Parliaments of 1654 and 1656; a third united Parliament was called by Richard Cromwell, in November, 1658.

CHAPTER VIII.

THE ACTS OF SETTLEMENT. FIRST PERIOD OF THE REIGN OF JAMES II.

At the commencement of the reign of Charles II., the three provinces of Leinster, Munster and Ulster were in the possession of the adventurers, the soldiers, the Protestants who had not fought against the Parliamentary forces, or who had compounded for their delinquency, and of the few Roman Catholics who had not engaged in the rebellion. The title of the two last-mentioned classes could not be assailed, but the adventurers and soldiers stood in a very different position. The adventurers, who had advanced their money on the faith of English statutes to which the late King had given his assent, knew well that chicanery is always forthcoming at the call of injustice, and the soldiers had nothing to rely on but a Parliamentary title. They therefore united and determined to submit their interests to the King, for whose restoration they had declared earlier than the Royalists in England. On the 30th of November, 1660, Charles issued his declaration for the settlement of Ireland and the satisfaction of the several claimants. This declaration was the foundation of the Act of Settlement. The first clauses of the declaration, which were inserted in the Act, confirmed the adventurers and soldiers, with certain exceptions, in the lands of which they were possessed on the 7th of May, 1659. After securing the adventurers and soldiers, the Act proceeded to make provision for those Roman Catholics who should be found innocent of the

rebellion and for other classes of claimants, if lands should be found for them. But as its possessions had been restored to the Church, and enormous grants made to the Duke of York, Ormond, Monk, and others, it was soon found that the claims far exceeded the means of satisfying them. The only hope of arriving at peace lay in voluntary defalcations from the interests of those whose rights had been already secured. The adventurers and soldiers were willing to make a sacrifice in order to obtain an undisturbed title. Negotiations took place between them and the representatives of the dispossessed Roman Catholic proprietors, and a settlement was effected which ought to have been considered final by all parties. This was the origin of the Explanatory Act which was passed in 1665. That the above is an accurate account of the Explanatory Act is shown by the history of it which the highest authority, namely—the man who drew it[1]—has left us. "Now, the beginning and progress of the Explanatory Act was thus: The stock of reprisals being deficient, and so no hopes for such Irish as were to be restored after reprisals, a bill was sent over to retrench from adventurers and soldiers a sixth part to enlarge the stock of reprisals. The Irish complained of this as too little, alleging that the false admeasurements and concealments with which they could charge the English would come to much more. Thereupon the English entered into a treaty with those who undertook to act for the Irish here, and they were persons of eminent rank among the Irish. Upon this treaty it was concluded that the English should be first satisfied with 1,800,000 acres of profitable land, and the Irish should have all the rest. And, upon this foundation, I was commanded to draw a bill, and did so. As soon as it was finished, the Irish

[1] Heneage Finch, afterwards the great Lord Nottingham, who laid the foundation of our modern Equity system.

repented their bargain, and desired the English would accept two-thirds and retrench one-third to increase reprisals. The English agreed to this, and so I was commanded to draw a new bill according to that model, and did so. And every paragraph was debated by a Committee of Council at Worcester House. And now both Irish and English were concerned that there should be no more innocents. The Irish first, because the principal men amongst them—the nominees—could not hope to escape as innocents. And, therefore, they never attempted during the execution of the former Act to bring on their claims as innocents, but rested under a provision made for them after reprisals; and, secondly, because the obscure freeholders would many of them escape as innocents for want of proof as they had done before. And so the new stock of reprisals which was to come by retrenchment of a third would vanish again. On the other side, the English, who had seen by what kind of deeds and proofs so many Irish had escaped before, and such Irish of whom His Majesty had little knowledge or consideration, they were desirous to put an end to all future practices of this nature, that so they might enjoy their two-thirds at least, discharged of all further clamour from the Irish. And thus by common consent of some who undertook for the English, and of those who acted for the Irish here, an end was put to all further considerations either of articles or innocence. And yet now they exclaim against it, though it were the effect of as formal a contract as anything of this nature is capable of. And, in diminution of this contract, the English did again consent that the nominees should be actually restored to their principal seats and the land about it, and to 2,000 acres more adjoining to the seats, if they had so much."[1]

[1] Report of Sir Heneage Finch, Attorney-General, touching the Act of Explanation made in Council, February, 1670-1. (Carte, Appendix.)

Carte's account of the compromise is to the same effect. "The Roman Catholics at last, to end all disputes, proposed that if, for the satisfaction of their interests, the adventurers and soldiers would part with one-third of the lands respectively enjoyed by them on 7th May, 1659, in consideration of their adventures and service, they were ready to agree to it. This proposal was in fine accepted. . . . Thus was the settlement of Ireland at last effected by the common consent of the agents of all the several interests concerned."[1]

The result of the Act of Settlement and the Explanatory Act was that the Roman Catholics obtained possession of one third of Ireland. In other words, for their share in a rebellion exclusively promoted by them, they were punished by a confiscation of half their estates, having owned two-thirds of the kingdom before the rebellion broke out.

But the Irish claimants never intended to abide by their offer, nor did they consider themselves bound by the compromise which they themselves had proposed. Six years after the passing of the Explanatory Act, they made an attempt to overturn the entire Settlement. In 1670 they authorised Richard Talbot to present a petition to the King, complaining that those who had been dispossessed by the Parliamentary Government had expected to be restored to their estates on the return of the King, but that, for want of a full and just representation of their case, others now held their estates.[2] In this petition there was not a word admitting "there ever was such a thing as the Irish Rebellion";[3] it was taken up with a laudation of their behaviour upon the peace in 1646, and that in 1648, both of which had been violated. The King

[1] Carte, ii., p. 303.
[2] Report of the Attorney-General. [3] *Ib.*

and his brother, the Duke of York, were unfavourably disposed to the occupants of the forfeited lands, whom they disliked as non-conformists and republicans. A Committee of Inquiry into Irish affairs was issued by the King for the purpose of reviewing the Settlement, to the great uneasiness of all who desired the peace and security of Ireland. The English House of Commons at last interfered. In March, 1673, they petitioned the King, "that for establishing and quieting the possessions of your Majesty's subjects in that kingdom, your Majesty would be pleased to maintain the Act of Settlement and the Explanatory Act thereupon; and to recall the Commission of Inquiry into Irish affairs . . . as containing many new and extraordinary powers, not only to the prejudice of particular persons, whose estates and titles are thereby made liable to be questioned, but in a manner to the overthrow of the said Acts of Settlement. . . . And that Colonel R. Talbot, who hath notoriously assumed to himself the title of agent of the Roman Catholics in Ireland, be immediately dismissed out of all command, either civil or military, and forbid an access to your Majesty's Court."[1] In consequence of this remonstrance the Commission was recalled. No further attempt was made in the reign of Charles II. to disturb the Settlement.

The reign of James II. naturally divides itself into two periods. The first extends from his accession to his flight from England; the second from his arrival in Ireland in March, 1689, to his defeat at the Boyne. At the commencement of the year 1686, James's short-lived popularity in England had vanished, and was replaced by distrust and suspicion. His resolve to maintain a standing army, and to employ Roman Catholics in officering it, contrary

[1] *Parliamentary History*, iv., p. 479.

to law, gave rise to fears that he was aiming at absolute power, and intended a persecution of the Protestants similar to that then raging in France. The opposition to his plans in England, and the likelihood of their failure, determined him, as he told his friends, to provide for himself and them "a sure sanctuary and retreat in Ireland, if all those efforts should be blasted in England which he had made for their security".[1] Mazure, the historian of the Revolution of 1688, informs us "that in the commencement of his reign James had all the military posts in Ireland examined by Lord Dartmouth. His report, which is now before me, proves the design of destroying the preponderance of the English, and of forming in that country a system of defence for a case which afterwards happened, namely, the necessity of his taking refuge among the Irish Catholics".[2] He therefore resolved to establish Roman Catholic ascendency in Ireland, and to depress the Protestant or English interest, as it was then called, in order that he and his party might have a refuge or fortified camp to which they could retreat if things came to the worst. This was the policy which prompted his administration of Ireland during the first period of his reign, and which he only gave up for a time during the second in obedience to the counsels of Louis XIV. For we find that in the "Advice" bequeathed by him to his son, he recommended him "to keep up a Catholic interest there, that at least in one of the kingdoms there may be a superiority of those of that persuasion . . . though for the good of trade and improvement of that kingdom, the English interest must be supported, yet there must be great care taken not to trust them too

[1] "Secret Consults," etc., *State Tracts*, iii., p. 616.

[2] Mazure, *Révolution de* 1688, ii., p. 115.

far, they being generally ill-principl'd and republicans".[1] To carry out this policy, he determined to effect in Ireland, by his own authority, a complete revolution in all departments of the Government, civil, judicial and military.

He chose as his instrument Richard Talbot, whom he created Earl of Tirconnell in June, 1685. Talbot had long been the agent at the English Court of the Irish party which desired the repeal of the Acts of Settlement. Accordingly, Tirconnell was sent over to Ireland during the interval between the recall of Ormond and the appointment of Henry, Lord Clarendon, while Archbishop Boyle and Lord Granard were Lords Justices. The first step was to disarm the Protestants. After Monmouth's rebellion, under the pretence that the Irish militia were well affected to his claims, an order came over from England that their arms should be taken from them and deposited in county magazines. The execution of this order was entrusted to Tirconnell, and the militia were disarmed. But this was not sufficient. It was resolved to disarm all Protestants, and to deprive them even of their private weapons which were necessary for the defence of themselves and their houses. Accordingly, "it was given out that if any arms were reserved under any pretence, such as that they were their own and not belonging to the public, it would be regarded as a proof of disaffection".[2] The terror inspired by this menace was so great that the Protestants gave up the arms which they had bought with their own money. Though the proprietors were obliged by their patents to keep arms in readiness for the King's service, and the country was in a very disturbed state, they were deprived of all means of defence. We have the account of a debate

[1] "For my son, the Prince of Wales, 1692" (Clarke, *Life of James II.*, ii., p. 619).

[2] "Secret Consults," etc.

which took place in the Irish Privy Council on this subject: "Very many of the Board saying that the English could not but think themselves in great danger when they were left exposed without any one weapon in their houses and the Irish were all armed; and when they called to any of those Irish for help to pursue the Tories, they shut up their doors and would not stir". The Lords Justices declared that "the orders they gave were only to take in the arms of the militia, and those only firearms and no other". One of them added that he did not know "by what officiousness" private arms had been taken.[1] It is evident from this debate that Tirconnell abused the order of the Lords Justices, and permitted the Irish to retain their arms. After disarming the Protestants, Tirconnell returned to England.

In January, 1686, Lord Clarendon was sent over to Ireland as Lord-Lieutenant in complete ignorance of the alterations intended to be made.[2] He was commanded by the King "to declare upon all occasions that, whatever imaginary, for they can be called no other, apprehensions any here may have had, his Majesty hath no intention of altering the Acts of Settlement".[3] But Clarendon did not possess the secret of the King's intentions. That was entrusted to Tirconnell, who arrived in June, 1686, as Commander of the forces, and who within twenty-four hours after his arrival, expressed to Lord Clarendon his opinion of the Acts of Settlement: "By G—d, my lord, these Acts of Settlement and this new interest are d——d

[1] *Correspondence of Lord Clarendon*, i., p. 217.

[2] "His Majesty commands me to tell you that it proceeded not from any unkindness or want of confidence in you that you were not advised with before hand about those alterations his Majesty has thought fit to make in that kingdom" ("Lord President to Lord Clarendon," *ib.*, i., p. 342).

[3] Lord Clarendon's speech to the Council when he was sworn into the office of Lord-Lieutenant of Ireland, January 9, 1685-6, *ib.*, ii., p. 475.

things".[1] Tirconnell's mission this time was to transform the army into a purely Roman Catholic body. He brought with him blank commissions, and took over from the Lord-Lieutenant, by the express command of the King, full powers to remodel the army.[2] With the approval of the King,[3] he at once proceeded to exclude Protestants from it. Within a short time after his arrival, between two and three hundred officers were removed without any reason being assigned. These gentlemen, who had bought their commissions, and many of whom had shed their blood for the Crown, were dismissed without allowance or compensation. The letters of Lord Clarendon are full of the many hard cases of these officers, whom he knew to be good soldiers and loyal subjects.[4] For some he pleaded with Tirconnell in vain, and others he recommended to the King and his friends in England. Of the persons who were appointed in their place, all were Roman Catholics; this was their only qualification. The majority consisted of such as were entirely ignorant of military duties, or were taken from the meanest of the people. Some had been grooms, some footmen, and some noted marauders. Archbishop King mentions the case of the famous rapparees, the Brannans, who were made officers, and says he had been informed that there were at least twenty Tories in one regiment, and that there were very few regiments without some. Lord Clarendon complains of the excesses committed by these new officers, and points to great abuses of which they

[1] *Correspondence of Lord Clarendon*, i., p. 432.

[2] *Ib.*, i., pp. 435, 495.

[3] "To him [Tirconnell] therefore the King gave a power to regulate the troops, to place and displace whom he pleas'd, which he executed very much to the King's satisfaction and advantage" ("James's own words," Clarke, *Life of James II.*, ii., p. 60).

[4] "I believe I shall never have done representing the hard cases of some of the unfortunate officers who have been laid aside" ("Clarendon to Lord Sunderland," *Correspondence*, i., p. 446).

were guilty in regard to the subsistence money. "Scarce a colonel of the army," he writes, "knows anything of his regiment." D'Avaux, the French ambassador with James, afterwards informed his master that the colonels of the Irish army were men of good family, but that the captains were butchers, tailors and shoemakers.

The alterations were not limited to the officers. Tirconnell, with equal disregard of humanity, disbanded between five and six thousand common soldiers. They were stripped of their clothes and dismissed to beg through the country. When Lord Clarendon told Tirconnell "that it would be hard to turn the men out and make no provision for them," the answer was, "by G—d the men must out, and hang them, they have had the King's pay a great while".[1] In Dublin 400 of the Guards were turned out in one day, 300 of whom had "no visible fault".[2] The same thing was done throughout the country. The new officers declared that they would enlist none but Roman Catholics.[3] "To give you one instance only," writes Clarendon, "Mr Nicholas Darcy, who has the company, late Captain Motloe's, called his company together and asked them if they went to Mass, to which forty of them said 'no,' whereupon he immediately dismissed them, and said he had kept as many above a week at his own house upon his own charge, who, the next morning, were all admitted."[4] Of the class of recruits who replaced the veterans dismissed two contemporaries inform us. "When any new men are listed, they are sent to the Commissary

[1] *Life of James II.*, i., p. 432. [2] *Ib.*, i., p. 476.

[3] "The turning out so many men in an instant, taking in none but natives in their room, and the very indiscreet conduct of some of the new officers in declaring they will entertain no English nor any Protestants, does frighten the people" ("Clarendon to Sunderland," *Correspondence*, i., p. 486).

[4] *Ib.*, i., p. 476.

to be sworn. The first thing they say is that they will not take the oath of supremacy; he tells them he is not to tender it to them, therefore they need not fear; that they are only to take the oath of fidelity, which is the oath mentioned in my instructions, and taken by the Roman Catholic judges. That they swallow; and being asked whether they understood what they have sworn, the answer was 'yes,' they had been sworn to be true to the Pope and their religion; and being told by some that they had been sworn to be true to the King, they replied, their priest had told them they must take no oath but to be true to the Pope."[1] The other is Mr. Stafford, an adherent of King James. In a charge to the jury at the Quarter Sessions at Castlebar in October, 1686, this gentleman remarked: "I shall not need to say much concerning rogues and vagabonds, the country being pretty well cleared of them, by reason his Majesty has entertained them all in his service, clothed them with red coats and provided well for them".[2]

The disarming of the Protestants, the alterations in the army, and the innumerable prosecutions for alleged seditious words spoken against the King while Duke of York, spread universal terror and dismay.[3] As soon as the Protestants had been disarmed, the banditti and rapparees issued from their haunts and commenced their

[1] *Life of James II.*, ii., p. 125. [2] *Ib.*, ii., p. 56.

[3] "If a man be angry with his neighbour upon any private account, he is threatened to be accused of having said ill things of the King when Duke, four or more years ago" (*ib.*, i., p. 268). "If a tenant owed his Protestant landlord his rent, he paid him by swearing him into a plot, or by fixing on him some treasonable or seditious words. If a Papist had any former quarrel with his Protestant neighbour, or owed him money, he paid him in the same coin. . . . Very few country gentlemen escaped being accused" (Archbishop King). These accusations became so numerous that at last Lord Clarendon was allowed to issue a proclamation against them (*Clarendon Correspondence*, i., p. 519).

outrages. Persons were set upon and dangerously wounded in the open day. Houses were attacked, and the flocks and herds of the Protestants driven away or destroyed. Crimes were so multiplied that Special Commissions had to be issued to clear the jails.[1] The new officers and soldiers contributed to the outrages and the general disorganisation of the kingdom; "new arms in new hands were made use of as might have been expected. The soldiers harassed the inhabitants, and lived upon them at free quarters. Tirconnell, instead of punishing these offences, encouraged them."[2] When soldiers were taken red-handed in the commission of crime, they were claimed by their officers from the civil power; and in consequence of this conduct of the officers, magistrates refused to take informations where any of the army were concerned.[3] Lord Clarendon complains of the excesses even of the officers, and mentions an extraordinary outrage committed by one of them, Lord Brittas, on the High Sheriff of a County. "The High Sheriff of the County sent an injunction out of Chancery to my Lord Brittas to quit the possession of another man with whom his lordship has a suit. My Lord beat the man most terribly who brought the injunction, and not being satisfied therewith, he took a file of his men with him, found out where the Sheriff himself was, dragged him into the street, and caused him to be beaten most cruelly, saying he would teach him how to carry himself towards the officers of the King's army."[4] If such an outrage could be committed with impunity against a

[1] "Clarendon to Sunderland" (*Correspondence*, ii., p. 106).

[2] Dalrymple, *Memoirs of Great Britain and Ireland*, ii., p. 74.

[3] *Clarendon Correspondence*, ii., 116, pp. 137.

[4] This crime was not punished; Lord Brittas afterwards sat in the Dublin Parliament of 1689. Two equally shameful outrages are told of Lord Clancarty, another of Tirconnell's officers ("Secret Consults"; Hickson, *Ireland in the Seventeenth Century*, i., p. 161).

high public officer, it is easy to imagine to what a state of anarchy the country had been reduced.

Lord Clarendon informed the King that "six parts of seven of the trade" of Ireland were in the hands of the Protestants,[1] and implored him to settle their minds by a proclamation declaring that they should not be deprived of their estates, of which they were possessed by law, and on which they had laid out so much expense and labour. The future prosperity of Ireland, he urged, depended on this being done. But the King refused to do so. The results of James's policy soon showed themselves in the decline of the country. Trade, agriculture and manufactures decayed rapidly. Landowners hastened to sell their estates for whatever could be got; merchants closed their accounts, and withdrew themselves and their stocks to England; farmers threw up their leases; manufactories were shut up; the revenue declined; and an exodus on a great scale began. As early as May, 1686, Clarendon speaks of the decay "of the inland trade which is that which employs the country people". "I can myself give one instance of a man who about eighteen months since had forty looms at work, and about six months since he put them all off . . . has disposed of his stock, and will go to England. . . . There is another in the province of Munster likewise who keeps five hundred families at work. This man, sending to a tenant for £30 which he owed him, was presently accused by the said tenant of having spoken treasonable words."[2] A few days later he writes: "Several families do every week go away, and multitudes do daily put off their stocks in order to be themselves at liberty".[3] On the 22nd of June, he says: "These changes and the common discourses which are given out by some of the new officers, by

[1] "Clarendon to the King" (*Correspondence*, i., p. 536).
[2] *Ib.*, i., p. 415. [3] *Ib.*, p. 424.

authority as they pretend, that they will not leave an Englishman or a Protestant in their companies, do very much terrify the trading people, for reasons too obvious to every man's apprehension. In a word, it is impossible to tell you the alterations that are grown in men within this month; but the last week—for I am very inquisitive to be informed of these particulars—one hundred and twenty people went in one ship from hence to Chester, and multitudes are preparing from all parts of the kingdom to be gone as fast as they can get in their debts and dispose of their stocks. Great sums of money are brought to town, and more is daily coming up to be sent away. . . . In the meantime there is no money in the country, and the native commodities yield nothing. The King's quit rents and chimney money come in very slowly. To distrain signifies nothing or very little, for the collector cannot sell the distress when he takes it—that is, nobody will buy it." [1] On the 7th of August he accounts for the deficiency in the Inland Revenue, "the true reason is the dissatisfaction and uneasiness which is generally upon people's mind. . . . In a word, all society and commerce among men is at an end, and is not likely to be revived till they are convinced by time that they have no reason to be afraid of the natives now in command, many of whom by their carriage and discourses do give them too much cause to apprehend the worst they can be afraid of. . . . Those traders who have got home their effects have withdrawn themselves and their stocks out of the kingdom, which is undeniable matter of fact. I can name several who paid the King many thousands a year to his duty who are absolutely gone and left no factors to carry on their trade, by which means several thousands of natives who were employed in spin-

[1] *Clarendon Correspondence*, i., p. 464.

ning and carding of wool are discharged and have no work. There are likewise multitudes of farmers and renters gone to England, who, though they were not men of estates, yet the improvement of the country and the inland trade was chiefly carried on by them." [1] When at the close of the year the news arrived that Tirconnell had been appointed to succeed Lord Clarendon, the consternation was universal; "a demonstration of this were those infinite numbers of families which flocked over from Dublin to the Isle of Man and other places," [2] and, when Lord Clarendon left Ireland, fifteen hundred families left with him.[3] It was against these refugees, who in despair had abandoned their country long before the arrival of William of Orange in England, that the great Act of Attainder was passed two years later by the Jacobite Parliament in Dublin.

When Tirconnell had effected the remodelling of the army, he left Ireland in August, 1686, taking with him Richard Nangle or Nagle, an able Roman Catholic lawyer, whom he appointed Attorney-General in the following year. Nagle was bitterly opposed to the Acts of Settlement. Two months after his arrival in England, Nagle published a letter which he addressed to Tirconnell from Coventry, reflecting on the Acts of Settlement, and advising the King not to confirm the estates of the Protestants. This was the first public declaration against those Acts in this reign.

On his return to England, Tirconnell applied to the King to be invested with the governorship of Ireland. His appointment was opposed by all the moderate Roman Catholics in England, who regarded a repeal of the Acts of Settlement as an entire separation of Ireland from

[1] *Clarendon Correspondence*, i., p. 527.

[2] "Secret Consults," etc.

[3] "Apology for the Irish Protestants" (*State Tracts*, iii., p. 665).

England.[1] But the influence of Fathers Petre and Sunderland, who were acquainted with the intentions of the King, prevailed, and Tirconnell was appointed Lord Deputy of Ireland in January, 1687, as Evelyn says in his diary, "to the astonishment of all sober men, and to the evident ruin of the Protestants in that kingdom"[2]. He was now in a position to carry out his intention of calling a Parliament which would repeal the Acts of Settlement. He first turned his attention to the Courts of Justice.

During Clarendon's administration Sir Charles Porter had been Lord Chancellor. He had done well in his great post. Lord Clarendon says that he had "carried himself with great applause, and discharged the office of Chancellor to the general satisfaction of all men". At his entrance into office he had declared "the King's resolution not to have the Acts of Settlement shaken".[3] This was quite sufficient to rouse Tirconnell's ire against him. Accordingly he was dismissed, and Alexander Fitton,[4] a convert to Roman Catholicism, whom Tyrconnell had brought over with him, was appointed in his place. Archbishop King[5] tells us that Fitton was in the habit of declaring from the bench that all Protestants were

[1] Mazure, ii., p. 287. Dalrymple, *Memoirs of Great Britain*, etc., ii., p. 137.

[2] On his arrival in Dublin as Deputy, Tirconnell told Clarendon that "he wondered to find such alarms upon his being to be chief governor" (*Clarendon Correspondence*, ii., p. 152).

[3] *Ib.*, i., p. 346.

[4] Afterwards created by James, Lord Gosworth.

[5] Archbishop King, when not contradicted by the eminent nonjuror, Charles Leslie, is an authority of great credit. King had been converted by the logic of facts from the doctrine of passive obedience. Leslie disliked him as a renegade from that faith, and in his *Answer* examined his arguments with a sharpness in which a good deal of the *odium theologicum* is perceptible. Leslie's silence as to facts alleged by King is therefore strong corroboration. He himself brings more serious charges against the Irish who surrounded James than King. See page 125 of the *Answer*.

rogues, and that among 40,000 of them there was not one who was not a traitor, a rebel and a villain; and that he over-ruled the ordinary rules of practice, and the law of the land, stating at the same time, that the Chancery was above all law, and that no law would bind his conscience.

In each of the Common Law Courts three judges then sat. They were required by law to take the Oath of Supremacy up to 1685. In that year, three, against whom no fault could be found, were dismissed because they were Protestants, and were replaced by Roman Catholics, who were dispensed the Oath, a thing which had not happened since the early days of Elizabeth.[1] On Tirconnell's arrival as Deputy, he appointed three other Roman Catholics, leaving only three Protestants, one on each bench, "pinioned," as King expresses it, "by his two brethren, the Protestant to serve for a pretence of impartiality, the two Roman Catholics to secure a majority". Two of the new judges, Nugent and Rice, Tirconnell's Attorney-General, were furious partisans for the repeal of the Acts of Settlement. Nugent was the son of an attainted peer, and before his promotion to the King's Bench had never been taken notice of at the Bar. King, Lord Clarendon, Chief Justice Keating, and the author of the "Secret Consults," all concur in contemptuous expressions respecting him. The appointment of the son of an attainted person to decide whether the outlawries of his father and others should be reversed, and whether the Settlement should stand, boded no good to the present possessors. We are told that he reversed the outlawries as fast as they came before them, and that in all cases between Roman Catholics and Protestants he was never

[1] *Clarendon Correspondence*, i., p. 357.

known to give judgment for one of the latter. He declared from the bench on circuit that rapparees were necessary evils. The other members of the Court were Lyndon, a Protestant, and Sir Brian O'Neill, a Roman Catholic.

The Court of Exchequer was the only one from which there lay no writ of error into England, and there was therefore no check on the reversal of outlawries or restraint on decisions contrary to the Acts of Settlement. In consequence, the whole business of the kingdom relating to these matters, and all actions of trespass and ejectments, were brought into this Court. Stephen Rice, a Roman Catholic, was appointed Chief Baron. His hostility to the Acts of Settlement was well known. Prior to his appointment he had been often heard to say that he would drive a coach and six through these Acts, and, before they were repealed, he frequently declared on the bench that they were against natural equity, and could not oblige. He used to say from the same place that Protestants should have nothing from him but the utmost rigour of the law. "It was before him," says King, "that all the charters in the kingdom were damned, and that in a term or two, in such a manner that proved him a man of despatch, though not of justice. If he had been left alone, it was really believed that in a few years he would, by some contrivance or other, have given away most of the Protestant estates in Ireland." His companions on the bench were Sir Henry Lynch, a Roman Catholic, and Worth, a Protestant.

The Court of Common Pleas was deserted, the business of the country being carried into the King's Bench and the Exchequer. Two of the judges of this Court were able, upright and honourable men; Keating, the Chief Justice, a Protestant, and Daly, a Roman Catholic. Keating afterwards showed his worth by his very noble letter to King

James against the repeal of the Acts of Settlement.[1] Daly was also opposed to their repeal, and was subsequently impeached by the Irish Parliament for having said that they were not a Parliament, but such a rabble as threw up their hats at Naples in honour of Massaniello. He was saved by the sudden joy of the Commons on a false report that Londonderry had surrendered.[2] The third judge was Peter Martin.

Tirconnell having disarmed the Protestants, purged the army, and remodelled the Courts of Justice, proceeded to secure for his party the execution of the laws and the nomination of juries. In January, 1686, Lord Clarendon drew up a list of Sheriffs for the following year. He tells us he bestowed particular care in drawing up this list; that, before making it, he had made inquiries from persons he could trust, and had taken advice from all quarters respecting the nominations. He was so well satisfied with it that he wrote to Lord Sunderland: "I will venture to say it is the best list of Sheriffs that has been for these many years, both for loyalty, prudence and impartiality." Tirconnell, however, was not satisfied. He went over to England, and there, though he had given no intimation in Ireland of his dissatisfaction, he complained to the King of Clarendon's selection. The list was sent back with objections, to which Clarendon was required to give an answer. The objections were satisfactorily answered, and Clarendon's nominees were confirmed. But Tirconnell resolved that none should be appointed for the next year but those of his own way of thinking. He and his creature, Nugent, in October, 1686,

[1] The day after his arrival in Dublin James removed Keating from the Privy Council.

[2] "True account of the present state of Ireland, London, 1689." Letter from Dublin, 12th June, 1689, attached to "The Journal of the Proceedings of the Parliament in Ireland."

took the extreme step of drawing up a list of those whom they wished to be appointed and presented it to the Lord Lieutenant. Clarendon complained to the King of this encroachment on his province: "I humbly beg your Majesty's permission upon this occasion to inform you, that the day before my Lord Tirconnell went hence, he and Mr Justice Nugent gave me a paper of the names of the persons who were thought fit to be Sheriffs for the next year. I confess, sir, I thought it very strange, to say no worse of it, for any two men to take upon them to give a list of men for Sheriffs over the whole kingdom—to anticipate the representation of the judges, who are the proper persons to offer men fit for those employments, and without so much as leaving room for the Chief Governor to have an opinion in the matter. This list is pretended to be made indifferently of Roman Catholics and Protestants; but I am sure several of them, even of those who are styled Protestants, are men no ways qualified for such offices of trust".[1] The King took no notice of this complaint, and Tirconnell was allowed to have his way.

Clarendon was right in saying that this list was *pretended* to be made indifferently of Roman Catholics and Protestants. In 1687 there was but one Protestant Sheriff appointed in all Ireland, and it was believed that this one was put in by mistake for another of the same name who was a Roman Catholic. The general testimony of contemporaries is that the Sheriffs appointed by Tirconnell were selected from the humblest class, and were so poor that men were unwilling to trust them with an execution for any considerable amount. When executions did come into their hands, the Sheriffs took care to avoid the persons against whom they were issued, or allowed

[1] "Clarendon to the King" (*Correspondence*, ii., p. 36).

them to escape or to be rescued by their friends.[1] It was so difficult to find Roman Catholics fit to fill this office that many of those appointed for 1687 had to be re-appointed for the following year.

That the same interest might be predominant in every part of the kingdom, the commissions of the peace underwent a similar regulation. It is true that some Protestants were continued in this office; but they were rendered insignificant, being overpowered by the great number of Roman Catholics joined with them. Harris says that "a great many whose fathers had been executed for theft, robbery or murder" were appointed. So little regard was had to character that a man was appointed chief magistrate in a Northern town who had been condemned to the gallows for his crimes.[2]

Tirconnell, having secured the appointment of Roman Catholic returning officers in the counties, turned his attention to the towns. The first attempt was made on the corporation of Dublin. Tirconnell sent for the Lord Mayor and aldermen, and asked them to surrender their charters, "assuring them the King's intent in reality was to augment their privileges"[3]. To this request it was answered that a common council would be called, and the matter laid before it. This was done, and the Mayor was authorised to tell Tirconnell that the rights and privileges of the corporation were secured by 130 charters and to pray him that its ancient government might be continued. Tirconnell rated the corporation soundly for their refusal, and told them to obey lest a worse thing should befall them.[4]

[1] "A short view of the methods made use of in Ireland, etc.," London, 1689. "Secret Consults" (*State Tracts*, p. 657); Archbishop King, p. 84.

[2] Burdy, *History of Ireland*, p. 325.

[3] "James's words" (Clarke, *Life of James II*, ii., p. 97).

[4] Ralph, *History of England*.

Overwhelmed by these reproaches and menaces, the Mayor called another council, but its members persisted unanimously in refusing to surrender their charters. To qualify their refusal, a deputation proceeded to the castle to acquaint the Deputy with the reasons for their refusal, and to pray for time to petition the King, who, on a former occasion, had acknowledged their eminent sufferings for his father, and assured them that he would reward them therefor. Of this acknowledgment and promise Tirconnell was now informed, but without effect. A *quo warranto* was immediately issued against the corporation. The case came before Chief Baron Rice in the Exchequer, into which court this and all the subsequent *quo warrantos* were brought to prevent writs of error into England. The corporation was not allowed as much time to put in their plea as was necessary to transcribe it. A date being mistaken by a clerk in one of their 130 charters, the corporation prayed leave to amend it; leave was refused and judgment was given against them. The fate which befell the corporation of the capital was that of all the corporations in the country. Within the short space of two terms the charters of all the corporations in the kingdom were forfeited or superseded.

Fifty-six new charters were granted, but by them the corporations were made absolute slaves to the caprice of the Deputy. A clause was inserted in all of them, empowering Tirconnell to put in and turn out whom he pleased without trial or reason shown. In filling up the new corporations, it was the general rule that two-thirds should be Roman Catholics and one-third Protestants. The Protestants declined to serve at all. Of the Roman Catholics appointed many never saw the town for which they were named, nor were concerned in trade; some were named for several corporations; most of them were

in indigent circumstances.[1] The case of one town will explain the sweeping changes wrought throughout the kingdom. The charter of Londonderry had been forfeited and its corporation remodelled. Among its new aldermen and burgesses, sixty-five in number, twenty were Protestants and forty-five Roman Catholics.

The Irish Privy Council had duties, and acted a part in the constitution which was not performed by the Privy Council in England. No Bill could be sent over to England until the chief governor, whether Lieutenant or Deputy, and the Council had certified it under the great seal of Ireland. It became necessary, therefore, to remodel this body also. A large number of Roman Catholics was introduced, or rather drafted into it, for some who were named for it were either ashamed or unwilling to accept the honour. In May, 1686, twenty new members were added, of whom eighteen were Roman Catholics. Two were Protestants, one of whom, Lord Granard, who had been deprived of his regiment in the remodelling of the army, was appointed president of the Council, an office until then unknown in Ireland.[2] Lord Granard declined to act. All the Protestant lords ceased to attend, "since they were so vastly outnumbered as to prevent their doing either the Protestants or their country service"[3].

The sufferings of the Protestants during the administration of Lord Clarendon had been very great, and in the first year of Tirconnell's government the evils increased, and their condition became still more deplorable. Lamentable as their state was in 1687, it became intolerable when in the winter of the following year the army was increased.

[1] Harris, *Life of William III.*, p. 115: folio edition.
[2] "Clarendon to Sunderland" (*Correspondence*, i., p. 417).
[3] Harris, p. 113.

Fifty thousand Irish troops,[1] ill-disciplined, unpaid,[2] and hostile to the Protestants, were let loose on the country. At the same time, large bodies of the peasantry collected and ravaged the land unchecked. The destruction of property was incredible; "the spoil was so general that in December and part of January last they had destroyed in the counties of Cork and Kerry above four thousand head of black cattle, as cows and oxen, and there and in the county of Tipperary two or three hundred thousand sheep. And so in all other parts, especially the provinces of Munster and Leinster, proportionately; so that before the beginning of February it was thought they had destroyed in all parts of the kingdom above one million head of cattle, besides corn and horses, and thereby utterly spoiled the most plentiful country in these parts of Europe; so that twenty years of perfect peace cannot be thought to restore it to the state in which it was at the death of Charles the Second".[3] The French ambassador with James reported to his master that in six weeks fifty thousand horned cattle had been killed, and were rotting on the ground all over the country.

These statements are confirmed by the language used by Chief Justice Keating from the bench, a short time before the arrival of James in Ireland. Keating, who remembered

[1] "Even according to the lowest statements of well-informed persons it amounted to 50,000 men" (Ranke, *History of England*, etc., iv., p. 538).

[2] The Irish army was not paid till after the arrival of James. He himself mentions this (Macpherson, *Original Papers*, i., p. 176).

[3] *Ireland's Lamentation*, London, 1689. "They began at first to take away but some part, but in a little time they drove away whole flocks and herds, thousands of sheep, and hundreds of black cattle in a night" ("Short view of the Methods, etc.," London, 1689); see also the "Character of the Protestants of Ireland," London, 1689, where it is said, "I should exceed the bounds of a letter to enumerate all on this head; but, upon the whole, at a moderate computation it is believed they [the Protestants] have lost in stock and other personal estates to the value of eight millions sterling."

Ireland as it was at the accession of James II, "the most improved and improving spot of ground in Europe",[1] lamented at the assizes at Wicklow, a county, as he described it, "under the very eyes of the Government," in words of extraordinary earnestness the miseries of the kingdom. He told the Grand Jury, "we have greater matters than assaults and batteries. We have desolations and ruins to show you." He declared that a great part of the island was devastated by a rabble armed with unusual weapons, "I mean half pikes and skeans. I must tell you plainly, it looks rather like a design to massacre and murder than anything else. I am very far from laying this to the charge of any that are under command, though it is possible that some of them, under the scarcity they are in,[2] do give their assistance, or, at least, encouragement, to these robbers, otherwise it could not be that whole flocks and droves of cattle are daily driven away, and yet no one taken or brought to justice for it. I am told that open markets are set up in this county—a fat bullock for five shillings, and a fat sheep for a shilling. Under the old law the Jews were not to seethe the kid in the mother's milk, but these unmerciful wretches go farther than that, sparing none, but destroying old and young. It would make every honest man's heart to bleed what I have heard since I came into this county. It is ill in other parts of the country, but here, they spare not even the wearing clothes and habits of women and children, that they are forced to come abroad naked without anything to cover their nakedness; so that, besides the oath you have taken and the obligation of Christianity, I conjure you by all that is sacred, and as ever you expect eternal salvation, that you make diligent

[1] "Keating's Letter to Sir John Temple, December 29, 1688" (Appendix to King).

[2] He alludes to the fact that the army was unpaid.

inquiry." In a subsequent case at the same assize he renewed his complaints. "There are such general and vast depredations in the country that many honest men go to bed possessed of considerable stocks of black and white cattle, gotten by great labour and pains, the industry of their whole lives, and in the morning, when they arise, not anything left them, but burned out of all to go a-begging —all being taken away by rebels, thieves and robbers, the sons of violence. On this side the Cape of Good Hope, where are the most brutish and barbarous people we read of, there is none like the people of this country, nor so great a desolation as in this kingdom. It is come to that pass, that a man that loses the better part of his substance, chooses rather to let that, and what he has besides, go than come to give evidence. And why? Because he is certain to have his house burnt and his throat cut if he appears against them. Good God! what a pass are we come to!"[1]

Men do not desert their settled homes with which their hopes of the future are connected, save in cases of extreme necessity, nor is one class of subjects beggared and ruined by the other without the connivance of the Government. The flight of the Protestants, long before the coming of the Prince of Orange was dreamt of in Ireland, and the desolation of the kingdom, must be attributed to the cruel misgovernment of Tirconnell. Denied the primary right of the subject—protection, and exposed in their defenceless state to the outrages of a fanatical and hostile peasantry who hated their religion, the Protestants abandoned a country the Government of which was bent on their ruin. Tirconnell's immediate object was to reduce the Protestants to impotency, and to prepare a Parliament which would repeal the Acts of Settlement. He succeeded, but at what

[1] *State Trials*, xii., pp. 615, 635.

a cost—the expulsion or beggary of the industrious class which had in its hands six-sevenths of the trade of the country, and the desolation of Ireland. But Tirconnell also entertained other and more ambitious views. He was willing to preserve Ireland for James, if James should succeed in England ; but in case of James's failure or his death, he intended to seize the Irish crown, to separate Ireland from England, and to maintain himself under the protection of Louis XIV.[1] To carry out all his projects and to be ready for any emergency, he transferred the whole civil, military, and administrative power in the country to Roman Catholics, that they might be in a position to give him effectual assistance. In his haste to accomplish his aims, he viewed the calamities of a community and the desolation of Ireland with unconcern. Even Leslie, the panegyrist of James, speaks of Tirconnell's misgovernment in the strongest terms. "Before I enter upon this disquisition, I desire to obviate an objection I know will be made, as if I were about wholly to vindicate all that the Lord Tirconnell and others of King James's ministers have done in Ireland, especially before this revolution began, and which most of anything brought it on. No ; I am far from it. I am sensible that their carriage in many particulars gave greater occasion to King James's enemies than all the other maladministrations which were charged upon his Government."[2] Towards the close of his book he repeats his opinion. "I am very sensible of the many ill steps which were made in King James's Government, and, above all, of the mischievous

[1] As early as October, 1687, it was agreed between the French King and the Deputy that, in case of James's death, Tirconnell should place the crown on his own head and be supported by Louis (Mazure, ii., p. 287. Hallam, *Constitutional History*, Ed., 1855, iii., p. 399 ; Lingard, x., p. 242).

[2] Leslie, *Answer*, p. 73.

consequences of the Lord Tirconnell's administration, which the most of any one thing brought on the misfortunes of his Master." [1]

The number of Irish Protestants who took refuge in England during Tirconnell's reign of terror was very great. An English contemporary [2] accepted the estimate that 40,000 families had fled from Ireland into England. All such estimates must be at the best very inexact, but the magnitude of this number shows the impression made upon the mind of some by the vastness of the exodus. At the time that the Irish refugees appeared in England, there were in London and the other towns of that country at least 30,000 French Protestants who had been driven out of their country by the persecution following the Revocation of the Edict of Nantes.[3] The presence of so many thousands, exiled from two neighbouring kingdoms for their religion, must have hardened many hearts against James, and disposed them in favour of the Prince of Orange.

The misgovernment of Tirconnell, the action of the Irish Government in 1689 and the war which ensued gave birth to evils which were not limited to one generation. They were the immediate causes of the Penal laws respecting property and status, which were enacted in the reign of William and Anne, and continued during the following reigns, until a sense of security relaxed their severity. These laws were passed by men, who, having the experience of two universal rebellions within a period of forty years, believed they were necessary to protect their lives, their possessions and their religion. They

[1] Leslie, *Answer*, p. 188.

[2] "Character of the Protestants of Ireland, etc.," London, 1689.

[3] "Report of the English House of Commons, 13th February, 1691." Mazure makes the number 50,000 ; Michelet puts it at 80,000.

were intended to reduce the Roman Catholics by slow degrees to political insignificance, and to break down their power of again rebelling or of giving assistance to a foreign invader; but no property was taken by them from that body, nor did any Protestant ever gain an acre of ground by them. It is interesting to compare these laws, which have been the subject of so much declamation without a reference to the causes which produced them, with the proceedings of Tirconnell and the action of the Roman Catholic Parliament of 1689. Within the short space of five years vast numbers of the Protestants were compelled to fly the country after having witnessed the destruction of their property. The Parliament which Tirconnell had called into existence condemned to death upwards of 2,300 of the Protestant nobility, clergy, gentry and traders unless they surrendered themselves to their enemies, and at one blow deprived their community of millions of acres without any compensation, even for the vast improvements effected by the proprietors. How great those improvements were we learn from King James himself.[1] "The great improvements had so enhanced the value of most estates as would allow the old proprietors a share of equal income to what their ancestors lost, and yet leave a competency for the purchasers who might reasonably be allowed the benefit of their own labours."[2]

[1] Clarke, *Life of James II.*, ii., p. 358.

[2] Of Tirconnell's misgovernment and the persecution of the Protestants Mr. Lecky and his school make no mention, thus passing over in silence events which largely influenced the subsequent history of the kingdom.

CHAPTER IX.

JAMES II. IN IRELAND.

One of the results of James's flight from England, and his attachment to the French King, was to bring Ireland within the sphere of European politics, and of the great political and religious conflict which then divided the continent. At this time the predominance of France and the ambition of Louis XIV. threatened the balance of power in Europe and the existence of the reformed religion. A great offensive and defensive Alliance of the continental States, both Catholic and Protestant, was formed to withstand the common danger. One of the aims of the Alliance was to detach England from France, but the supremacy of Louis was necessary to James to enable him to carry out his projects for the establishment of his own arbitrary power and the advancement of his religion against the opposition of his subjects. James had been requested to co-operate with the allied Powers, and his declining to do so lost him the sympathy of the Pope and of the Catholic Sovereigns, the Emperor and the King of Spain.[1] Fortunately for the Prince of Orange, Louis, anxious to anticipate the efforts of the Confederates, poured his forces into Germany, and left the Prince at liberty to prosecute his expedition. The first consequence of William's obtaining the crown of England was to add the military resources of that kingdom to those

[1] See the Emperor's letter to James, dated the 9th of April, 1689 (Clarke, *Life of James II.*, ii., p. 324).

of the Alliance. To make a diversion, and to occupy William's attention at home, James was despatched into Ireland, and was furnished by the French king with officers to discipline his troops, and with a sum of money to support his first endeavours.

James landed at Kinsale on the 12th of March, 1689, and on the 14th proceeded to Cork, from which town he rode to Dublin, which he reached on the 24th. The next morning he called a Council, and having erased from its list the names of Lord Granard and Chief Justice Keating, and inserted those of D'Avaux, Powis, Berwick and others of his adherents, he ordered five proclamations to be issued:— (1) For raising the value of the currency; (2) summoning a Parliament for the 7th of May following; (3) requiring all who had left the kingdom to return with assurance of protection; (4) commending his Roman Catholic subjects for having armed themselves, yet "whereas it had encouraged some certain robberies," ordering all who were not in the army to lay up their weapons; (5) encouraging the carriage of provisions to the army in the North, and forbidding his soldiers and officers from seizing any without payment.

James's whole reign in England had been a contest between arbitrary power and Parliamentary government. The national opposition to his plans compelled him to fly to France. He was now about to find a similar resistance to the new policy, which Louis had induced him to adopt with regard to his Irish subjects. That policy was to conciliate the Protestants and to defer his project of repealing the Acts of Settlement until he had recovered his authority over the three kingdoms. For the present, no difference was to be made between the Protestants and Roman Catholics, and all obedient subjects were to be left in possession of the property which they held. D'Avaux, the

French ambassador, who was sent with James, was instructed to use his influence with him in reconciling the Roman Catholics and Protestants with each other, and in preventing him from making any difference in their treatment.[1] In August, 1687, James and Tirconnell had met at Chester, and there it had been agreed between them to proceed at once with the repeal of the Acts of Settlement and the confiscation of the estates of the Protestants.[2] But when this resolution was adopted, James was still King, and his position seemed to be secure. Subsequent events had taught him the wisdom of the disingenuous policy recommended by Louis. It would have pleased his party in England, and lessened the opposition of the Irish Protestants. The repeal of the Acts of Settlement was viewed with disfavour by the vast majority of his English supporters, who regarded such a measure as a separation of Ireland from England. James was well aware that nothing would strengthen the hands of his English and Scotch friends, and allay the suspicions entertained of him, so much as justice and kindness to the Irish Protestants. Such a line of conduct would have been a complete answer to his enemies, if he could have shown that in Ireland, where he was supported by the majority, he had not only abstained from ill-treating the Protestants, but had protected them. James saw that his interest demanded the conciliation of the Protestants, and that a policy of amnesty and mildness would increase the chances of his restoration in England. When he arrived in Ireland, his aim was to recover his British dominions either by means of a peaceful recall or by an invasion. Ireland was regarded by him merely as a stepping-stone to that end. Hence it was that he had so readily adopted the advice of Louis, contrary

[1] Ranke, *History of England*, iv., p. 535.
[2] Mazure, *Révolution de 1688*, ii., p. 286.

to his long-cherished intention of restoring the Roman Catholics to the forfeited estates.

But this alteration in his views at once produced a wide divergence between his aims and those of the Irish, who desired a repeal of the Acts of Settlement and the separation of their country from England. The recovery of James's other kingdoms was nothing to them. Encouraged by the internal troubles of England and the protection of France, and resolved to carry out their plans of confiscation and proscription, they made use of James solely for their own purpose, and compelled him to renounce his policy of conciliation. As James himself says, "reckoning themselves sure of their game, when in reality they had the worse of it, they thought of nothing but settling themselves in riches and plenty by breaking the Act of Settlement"[1]. They knew that they had the King in their power, and that he could not maintain himself a day without their assistance. If it should become necessary for him to invade England, and to encourage his friends there by an imposing display of force, it was to the Irish army that he must look for success in his undertaking. He could neither make use of that army, nor even keep it together, if he placed himself in opposition to the wishes of those who had raised and supported it. The French who accompanied James into Ireland joined the Irish party and adopted their views. James's private wishes were undoubtedly in favour of restoring the forfeited estates to the Irish Roman Catholics, yet he could not but see that a general confiscation would injure his prospects. He now found, however, that it was easier to excite hopes than to arrest them at maturity. For years he and Tirconnell had been

[1] Clarke, *Life of James II.*, ii., 354.

working for the repeal of the Acts of Settlement, and he was now in the hands of men who expected the fulfilment of hopes which he himself had raised. The shifts and vacillations to which he was forced by his present desire to conciliate the Protestants, and at the same time to retain the affections of the Roman Catholics, were pitiable. One day he exhorted the bishops to oppose the repeal, the next he urged it on more speedily than it would otherwise have gone. At the time he was secretly encouraging the Protestant peers to oppose the repeal,[1] the following scene took place in the House of Lords on the 28th of May: "Motion made for adjourning till Thursday, because Wednesday was a holiday; the King asked what holiday. Answered, the Restoration of his brother and himself; he replied, the fitter to restore those loyal Catholic gentlemen that had suffered with him, and been kept unjustly out of their estates."[2]

On the 7th of May the Irish Parliament assembled in Dublin and continued its sittings until the 20th of July, during which interval thirty-five Acts were passed. As was natural, it consisted mainly of those to whom the whole power of the country had been illegally transferred. Out of about ninety-six Protestant lords[3] only five temporal peers and four bishops attended. Ten Roman Catholic peers had obeyed their writs of summons; but by the reversal of attainders and new creations twenty more were introduced into the House. Of the twenty-four Roman Catholics who usually attended this Parliament, fifteen had had their attainders reversed, and four were

[1] Leslie, *Answer*, p. 99.

[2] "Journal of the Proceedings of the Irish Parliament, 1689" (*Somers Tracts*, xi., p. 407).

[3] "List of the Nobility of Ireland; attached to State of the Papist and Protestant properties in the kingdom of Ireland," London, 1689. (*Somers Tracts*, xi., p. 438.)

minors. No Roman Catholic prelates were summoned. This was greatly against the wish of the Parliament, which desired that all the Protestant bishops should be excluded and Roman Catholics summoned in their place.[1] Colonel Charles Kelly, the author of *Excidium Macariæ*, who sat in this Parliament as member for the county of Roscommon, tells us that this was the work of James, who was afraid of dissatisfying his Protestant subjects in England.[2] It is more likely that James hoped that some moderation would be observed, and for this purpose encouraged the Protestant Bishops in their attendance and opposition to the repeal of the Acts of Settlement.

The House of Commons then consisted of 300 members, elected by the freeholders in counties and the burgesses in corporations. Tirconnell took care to pack the House with his friends. It has been already explained how the sheriffs of counties, and the corporations, had been secured. To make certain that none but safe men should be returned, letters were sent with the writs, recommending the persons whom Tirconnell wished to be elected. Upon the receipt of the letters the sheriff or magistrate assembled such persons as he thought fit, and these, without making any noise about it, made a return, so that the Protestants were ignorant of the election. Those men especially were chosen who felt themselves aggrieved by the Acts of Settlement, and had complained most loudly of them.[3] Archbishop King mentions the case of Sergeant Dillon, a Roman Catholic, who was rejected in Dublin because he had purchased an estate under the Acts, and it was feared he would defend them.[4] Two hundred and thirty-two

[1] Ranke, *History of England*, iv., p. 539.
[2] *Excidium Macariæ*, by O'Callaghan, p. 35.
[3] Ranke, *History of England*, iv., 539.
[4] King, *State of the Protestants*, p. 171.

members were returned, of whom six only were Protestants. Thirty-four counties and boroughs were not represented. Sir Richard Nagle, who had written against the Acts of Settlement, was chosen Speaker.

On the opening of Parliament the King addressed it in a speech, referring in very cautious terms to the Acts of Settlement.[1] After stating, "I have always been for liberty of conscience and against invading any man's property, having still in my mind the saying of Holy Writ, do as you would be done by, for that is the law and the prophets," he proceeded, "I shall most readily consent to the making of such good, wholesome laws as may be for the good of the nation, the improvement of trade, and relieving such as have been injured by the late Acts of Settlement, so far forth as may be consistent with reason, justice, and the public good." These words have been considered by some as an attack on the Acts of Settlement, but nothing was farther from James's thoughts at this time than their immediate repeal.[2] He desired that a compromise should be effected between the old and present proprietors. He himself tells us: "It is certain that many of the wise and judicious Catholics thought such an accommodation very practicable," and adds, "there is no doubt but the King's inclinations were the same; he saw the distractions it (the repeal) would breed, how it would inflame the

[1] The speech is given in the appendix to Leslie's *Answer*.

[2] James was aware that the repeal of the Acts of Settlement was disliked by his English supporters. In April, 1693, he published a declaration in which he offered to restore those Acts. "And in that Parliament (to be summoned on his recall to England) we will also consent to everything they shall think necessary to re-establish the late Act of Settlement in Ireland, made in the reign of our dearest brother; and will advise with them how to recompense such of that nation as have followed us to the last, and who may suffer by the said re-establishment, according to the degrees of their sufferings thereby, yet so as the said Act of Settlement may always remain entire." Clarke, *Life of James II.*, ii., p. 504.

Protestants, and rob him of his most serviceable Catholics, ruin the trade, and sink the revenue".[1] He also complains of the pressure put upon him by the Parliament: "It had without doubt been more generous in the Irish not to have pressed so hard upon their Prince when he lay so much at their mercy, and more prudent not to have grasped at regaining all, before they were sure of keeping what they had already." But James forgot that prudence or moderation was hardly to be looked for from men whose expectations had been fanned to the highest pitch by his own measures, and who, in consequence, to use his own words, "thought of nothing but settling themselves in riches and plenty by breaking the Act of Settlement."

Anti-English feelings at once manifested themselves in the Parliament. After recognising James as its lawful sovereign, it proceeded to pass an Act declaring that Ireland was a distinct kingdom from England, and therefore could not be bound by the Parliament of England, and also forbidding any writs of error or appeals in Chancery for removing "judgments, decrees, and sentences given in Ireland into England." Of these provisions James says that they were "such diminutions of his prerogative, as nothing but his unwillingness to disgust those who were otherwise affectionate subjects, could have extorted from him ".[2] A bill also was brought in to repeal Poynings' law, but this was too much for James, and, on his expressing dissatisfaction, it was allowed to drop.[3] Another enactment prohibited the importation of English, Scotch and Welsh coals into Ireland.

On the 23rd of May, the Bill for the repeal of the Acts of Settlement was brought up from the Commons, and on

[1] Clarke, *Life of James II.*, ii., p. 358. [2] *Ib.*, ii., p. 361.

[3] Mr. Lecky is mistaken in saying that Poynings' Law was repealed. The Bill never became an Act.

the 4th of June passed the Lords. This Bill proposed nothing less than the confiscation of the estates of every Protestant in Ireland, except those of the very few who attended this Parliament; and if they held any property secured by the Acts, that also went. The Bill affected three classes: all who held lands under the Acts of Settlement; all who had fled from Ireland; all who had corresponded with the English, Scotch, or Ulster supporters of the Prince of Orange. This last provision, as Leland says, deprived of his estate almost every Protestant in Ireland who could write. Nor was it a mere threat. Chief Justice Nugent decided that accepting and paying a bill of exchange was a correspondence with the enemies of King James. In another case, where an attorney had received letters from a client asking him to apply for a reprieve of sentence against him, Nugent held that this was a correspondence with the enemy, and imprisoned the attorney on a charge of high treason.

James did his best to prevent the Bill from passing. He even threatened to dissolve the Parliament. But his expostulations and remonstrances only irritated the Irish against him. They said openly that if he did not give them back the land they would not fight for him, and delayed the grant of money they had made for the maintenance of the war. Even the soldiers in the streets shouted after him that they would not serve him if he opposed the repeal. James still resisted, and at the last moment resolved on a dissolution. But D'Avaux, who, in direct violation of his instructions, had sided with the Roman Catholics, interfered and represented to him the danger of further resistance.[1] The united French and Irish factions were too strong for James alone and unsupported.

[1] Ranke, *History of England*, iv., p. 540; Kelly *Excidium Macariæ*, p. 34.

He was compelled to yield. "Alas," said the unfortunate King, "I am fallen into the hands of a people who rammed that and many other things down my throat."[1]

The Act of Repeal swept away 12,000,000 of acres from the Protestants. The original basis of the Acts of Settlement was the declaration of Charles II., which had been confirmed by two Acts of Parliament, and many patents both of Charles and James. The lords lieutenants and the judges on their circuits had been repeatedly ordered to proclaim the settled resolution of these princes to maintain the Settlement. Only three years before, James himself had commanded Lord Clarendon to declare upon all occasions the King's intention to preserve it. Trusting to these Acts and declarations, the proprietors had reared stately houses and effected extensive improvements and reclamations of the soil. Seats had been erected and parks enclosed. Many of the estates had passed into the hands of purchasers. Manufactories had been established, "whereby the meanest inhabitants were at once enriched and civilised".[2] Thousands had sold small estates and freeholds in England, and laid out their prices in Irish land. Purchases, settlements, mortgages, jointures for widows and portions for children—all the multifarious dispositions of property for the welfare of families, for trade and commerce, or the reclamation, improvement and adornment of the land—had been made on the faith of these, and an undisputed possession of many years. All these were now destroyed without compensation or provision for the owners, notwithstanding the vast improvements effected by them.

We are indeed told that compensation was provided

[1] Leslie, *Answer*, p. 100.

[2] Keating, "Letter on behalf of the Purchasers" (Appendix to Archbishop King).

for the despoiled proprietors.[1] If compensation means an equivalent for property taken away, there was no compensation for any class. It is true that the Act speaks of conditional reprisals, but these reprisals were limited to one class, namely, purchasers from those who held estates under the Acts of Settlement. All who derived from the original grantee by descent, by devise, or by affinity—by far the greater number—were absolutely excluded. What actually took place was, the old proprietors who had forfeited their estates for the rebellion of 1641, at once took possession of them; the Commissioners of Revenue disposed of the estates of the absentees; and the Commissioners, who under the Act of Repeal were to hear the claims of the purchasers, never allotted an acre in compensation. In truth, the provisions for reprising the purchasers was a mere pretence intended to prevent the clamour of James's friends in England and Scotland. At the hour the Irish were voting the Act of Repeal, and four days before it was carried up to the lords, they published in England a proclamation in James's name—but, as he tells us, without his knowledge,[2]—declaring that the Irish Protestants were living in the greatest freedom, quiet and security.[3] Chief Justice Keating, who wrote the famous letter in favour of the purchasers, which was presented to James by Lord Granard, points out the real value of the reprisals. He declared that he wrote "on the

[1] *Lecky*, ii., p. 186. Though he had just stated that "the principle of compensation was as yet wholly unknown," p. 183.

[2] Clarke, *Life of James II.*, ii., p. 362.

[3] "We cannot but rejoice we have had an opportunity to demonstrate the falseness and malice of their [his enemies'] pretences. Since our arrival in this kingdom of Ireland, by making it our chief concern to satisfy the minds of our Protestant subjects that the defence of their religion, privileges and properties is equally our care with the recovery of our rights." 18th of May, 1689.

behalf of many thousands of your Majesty's dutiful and obedient subjects of all degrees, sexes and ages . . . to prevent the ruin and desolation which a Bill, now under consideration in order to be made a law, will bring upon them and their families in case your Majesty doth not interpose . . . the way prescribed by this Bill is to rob the innocent purchasers, creditors, and orphans of their estates, to do it contrary to the public faith, laws of the land and precept of Holy Writ. . . . As for the reprisals mentioned to be made them out of the rebels' estates . . . that will be very uncertain; for it must be known who the rebels are and what their lands amount to, since it may be probably concluded that there are many of your subjects now in England no way concerned in the rebellion, and would have ere this attended your Majesty here, if they had not been hindered from coming by duress and embargo and many other legal and justifiable excuses. . . . It is in the power of your Majesty to prevent the total ruin of so many of your subjects as have been purchasers and improvers in this kingdom by prescribing more moderate ways than depriving them of the whole of what they have legally and industriously acquired. And that Committees of both Houses may hear and inquire whether any medium may be found out betwixt the extremes for the accommodating, as near as may be, the purchaser and the old proprietor; so that if there be cause of complaint, it may not arise from a total disappointment of either party. This is a little of what may be said on this occasion, but the haste of those who drive on this Bill will allow no further time at present."

The repeal of the Acts of Settlement beggared many Roman Catholics who had purchased estates from the original grantees under them, and rendered them dissatisfied with James's government. The King foresaw this

result when he said that the repeal would "rob him of his most serviceable Catholics." Colonel Kelly tells us that the predominance in Galway of those who desired the re-establishment of the Acts led to the abrupt surrender of that town to the forces of Ginkell at a time when delay was above all things necessary to the Irish army.[1]

The Act of Repeal was followed by the infamous Act of Attainder. By this Act upwards of two thousand three hundred persons of all ranks, from that of a duke to that of a carpenter, were proscribed by name. All these were declared traitors, and were to suffer "such pains of death, penalties and forfeitures respectively as in case of high treason are accustomed," unless they by certain days fixed in the Act surrendered themselves.

The manner of inserting names in this record, and the haste in which it was drawn, were equally remarkable. Any one who had a personal enmity to another, or desired his estate, or owed him a debt, had only to hand in his name, and it was inserted without discussion. No difficulty was made in any case except that of Lord Strafford, and a few words disposed of the objection. As to the haste with which the list of names was drawn up, Archbishop King says, "perhaps no man ever heard of such a crude imperfect thing, so ill-digested and composed, passed in the world for a law. We find the same person brought in under different qualifications. In one place he is expressly allowed till the 1st of October to come in and submit to a trial, and yet in another place he is attainted if he do not come in by the 1st of September. Many are attainted by wrong names; many have their christian names left out; and many whose names and surnames are both put in are not distinguished by any character whereby they may be

[1] *Excidium Macariæ*, p. 137.

known from others of the same name".[1] Some even of the King's adherents were in the hurry attainted by the Act. An examination of the list[2] supports the statements of the Archbishop. An instance of the confusion in it may be given here. In one page there are the names of twenty-two persons who are allowed till the month of October to surrender, and in the next page the same names are repeated in the same order, but their owners are attainted if they do not appear by the 1st of September. There is a remarkable fact connected with the list which the Archbishop does not mention. Not only was the Act directed against the proprietors of the forfeited estates, but it also included very many of the trading and tradesmen community. We find in it the names of merchants, brewers, clothiers, bakers, doctors, tanners, vintners, innkeepers, tailors, scriveners, yeomen, and artisans.

Certain days were fixed in the Act before which persons named in the list were to surrender themselves. It was known that such a surrender was impossible. The 1st of October was the latest date for the surrendering. There was a very strict embargo laid on all Irish vessels up to the 1st of November. The embargo was equally strict on the English side, so that it was impossible for the attainted, even if they had notice of the list, to return and surrender themselves. But care was taken that they should have no notice of it until the last day of grace had expired. The Act took from the King the power of pardon, unless it was granted before the 1st of November, and was enrolled in Chancery during the same month. To prevent the

[1] King, p. 207.

[2] "List of such of the names of the nobility, gentry and commonalty as were attainted in the Parliament of Dublin"; London, 1690. This tract is in the London Library. A list of the names is also given in the Appendix to Harris's *Life of William III.*

attainted persons knowing that their names appeared in the list, it was concealed for four months after the time limited for pardons.[1] When Sir Richard Nagle, as Speaker, presented the Bill to James for his consent, he told him that many were attainted upon such evidence as satisfied the House, and the rest were attainted "upon common fame." Nagle was a lawyer of repute, yet he was not ashamed to say that common fame or report was sufficient evidence to attaint of high treason thousands of his fellow subjects.

Some Irish writers have stated that the aim of the Act was merely to confiscate the lands of the absentees.[2] But before we can accept this construction, several things must be taken into consideration, and several questions answered. The Act of Attainder, if it only aimed at confiscation, was wholly unnecessary, as the Act of Repeal had already confiscated the estates of every Protestant in Ireland with the exception of the few who attended the Parliament. If property only was within the view of its makers, why were the pains and penalties of death inserted in it? Why was the prerogative of pardon taken from the King, and why was it enacted that no pardon should contain more than one name? By this provision, James was deprived of the power of issuing a proclamation of grace. Why was the list of persons attainted concealed for four months; and why were tradesmen, professional men, and artisans struck at?

[1] Archbishop King vouches for this, and Leslie, the only other contemporary authority who examined every statement that King made with the intention of disproving it, is silent. It is vain to urge, as Mr Lecky does, that the Act was mentioned in the *London Gazette* of July, 1689. The list is the important thing, and it was not printed in London till April, 1690. Every effort must have been made to get possession of an important political document that would have thrown discredit on James, yet nine months elapsed before it was published.

[2] "The real aim of the Act was confiscation" (Lecky, ii., p. 198).

Every difficulty was thrown by the Act in the way of a pardon even during the very short time the King was allowed to grant one. All pardons were to be under the Great Seal of England if the King should return there, or under that of Ireland, and pursuant to a Royal warrant under the privy signet and sign manual, and each was to contain but one name, and to be of no effect unless enrolled in Chancery on or before the end of November. Anyone acquainted with the tedious formality with which such things are carried through will see at once that a few pardons only could have been taken out within four months, and that in a case where thousands were concerned, these restrictions rendered the power of pardoning a mere show. It is known that the French and Irish were closely united in their policy of separating Ireland from England, and that D'Avaux, the French ambassador, "advised James, if a landing took place, and the Protestants consequently rose in any quarter, to have them all massacred at once".[1] Leslie, upon whose testimony the Irish writers rely, and whom they invariably quote to shake Archbishop King's authority, tells us that some of the Irish around James proposed to him a general massacre of the Protestants, and that the King indignantly replied, "What, gentlemen, are you for another Forty-one"?[2] The most charitable view that can be taken of the Act of Attainder is that the Irish legislators, relying on the protection of France and thinking themselves secure of the future, resolved to prevent the return of the Protestant absentees, careless how many heads might fall under the operation of a most cruel law.[3]

[1] Ranke, *History of England*, iv., p. 561. Macaulay also mentions this fact.

[2] Leslie, *Answer*, p. 125.

[3] There is no ground for the statement of Mr. Lecky that a Bill "precisely similar" to the Irish Attainder Act passed the English Commons in 1689. The English Bill contained the names of twenty persons

By two other Acts of this Parliament all the endowments of the Protestant Church, and all the provisions made for the maintenance of her clergy, were at once taken away. By one, tithes payable by Roman Catholics were abolished. For three years before the meeting of this Parliament hardly any tithes had been recovered. The priests had begun as early as 1686 to declare that the tithes belonged to them, and had forbidden the people to pay them.[1] They said openly that the King had no power to interfere with the property of their Church. The other Act repealed a former Act[2] making provisions for ministers in cities and corporate towns. At this period there was hardly a Roman Catholic householder in the greater number of these cities and towns. All of them, with the exception of Dublin, Cork, Limerick, Waterford, etc., built by the Danes, had been erected by the labour and at the expense of the English settlers. In these towns a small rate or tax had been imposed which was payable to the clergyman who ministered there. This was therefore in the great majority of cases a matter exclusively between the Protestants and their own clergy. Yet both tithes and rates in town were taken away without any compensation

only who had fled from England to join James. "The Bill itself," say the editors of the "Manuscripts of the House of Lords, 1689-90" (Twelfth Report of the Historical Manuscripts Commission, Append. 6) "is wanting . . . but the names of the persons, twenty in number, who are required by it under pain of forfeiture to surrender. . . . can be ascertained from the papers that exist." It is evident that no similarity can exist between an Act which proscribes under the penalty of death the nobility, gentry and traders of a country to the number of 2,400, with whose guilt or innocence the Parliament which condemned them could not possibly be acquainted, and a Bill which confiscated the property of twenty English adherents of James. The English Bill, before it left the Commons, did not contain the name of Tirconnell, or that of the double traitor, Richard Hamilton, nor was any name inserted in it except on evidence.

[1] "Lord Clarendon to the King" (*Clarendon Correspondence*, i., p. 535).

[2] 17th and 18th Charles II., vii.

whatever.[1] The members of this Parliament were well aware of the injustice of their proceedings. At the time when these Acts passed, they were declaring in their proclamation meant for English and Scotch eyes, "we have taken care that our subjects of the Church of England be not disturbed in the exercise of their religion and the possession of their benefices and properties."[2]

An Act was passed in this Parliament for liberty of conscience. This was a continuation of James's policy in England, and was his work alone. Much thoughtless commendation has been given to this Act. It is forgotten by those who praise it that such a law would be regarded very differently in a Protestant and in a Roman Catholic country. In the former, the clergy would feel themselves bound to obey it; but the Roman Catholic clergy have always denied the right of a secular Government to interfere with the jurisdiction of their Church. This was settled for ever at the Council of Constance, where the safe conduct granted to Huss by the Emperor Sigismund was violated, and where it was decreed that nothing could

[1] It is when justifying these measures that Mr. Lecky makes the remark, "the principle of compensation was as yet wholly unknown." Yet two pages later he argues that compensation was given by the Act of Repeal. The principle of compensation is as old as man. It was the foundation of all early criminal law, as the weregild in Highland and the eric in Ireland show. It is and always has been the foundation of civil law. The principle had been put into practice long before the time of this Parliament both in England and Ireland. In England, when the religious houses were dissolved, compensation was granted to the monks and nuns, which, Fuller tells us, was paid regularly. So also when the Church of England clergy were ejected in the time of the Long Parliament. In Ireland, compensation was granted to the members of suppressed houses in the time of Henry VIII. After the rebellion of 1641, a proportionate compensation was given to the transplanted proprietors. The Act of Explanation in the reign of Charles II. was based on compensation. Even this Parliament recognised compensation under the word reprisal.

[2] Proclamation issued at Dublin, 18th of May, 1689, and sent to England without the King's knowledge. Clarke, *Life of James II.*, ii., p. 362.

be allowed to prejudice the authority of an ecclesiastical judge to examine and punish heretical pravity. In addition, the Bull *In Cœna Domini* excommunicated all those who impeded, directly or indirectly, ecclesiastical judges in the exercise of their judicial functions according to the Canons, Papal constitutions, or the decrees of General Councils.[1] If Ireland had been able to maintain her independence of England under the protection of Louis XIV., who attempted to exterminate the Reformed Faith in his own dominions, it is certain that this Act would have been waste paper. From the first it was a dead letter ; it neither prevented the seizure of the Protestant schools and churches throughout the country in direct opposition to its provisions, nor the issue of a proclamation forbidding the Protestants to assemble in churches or elsewhere under pain of death.[2] James himself tells us that he published a declaration "for surrendering all the Protestant churches which had been seized upon by the Catholics, and took great care to have all grievances of that nature redressed"[3]. But when he gave a positive order that the churches at Waterford and Wexford should be restored to the Protestants, the order was disobeyed.[4]

While the Irish were taking possession of the forfeited estates or preparing for war, the condition of the kingdom was lamentable. This statement does not rest on one-sided testimony. Speaking of the incapacity of the country to maintain his army, the King says "the great

[1] Cherubini's *Bullarium Magnum*, iv., p. 117.

[2] Dalrymple, *Memoirs of Great Britain and Ireland*, Part II., book ii., p. 69.

[3] Clarke, *Life of James II.*, ii., p. 369.

[4] Archbishop King says that nine churches out of ten were taken throughout the country, twenty-six in the diocese of Dublin alone. Leslie says that only one was taken by the order or connivance of the King. These statements are consistent with each other.

stocks of cattle, sheep etc., being in the hands of the Protestants, and many of them flying into England, they had been emboyled,[1] and those that stayed were ruined in great measure by the rapparees; this brought such a scarcity that there was neither corn nor meal to feed the army for any considerable time, etc." [2]. A letter from Ireland, dated the 12th of June, 1689, tells us "the miserable usage in the country is unspeakable, and every day like to be worse and worse. Many alledge that the rapparees have secret orders to fall anew on the Protestants that have anything left; the ground of this may be their pretending such an order, for they commonly pretend an order for any mischief they have a mind to" [3]. Six months later, on the 2nd of January, 1690, James issued, by the hand of his Secretary of State, instructions to the judges on circuit, accusing them of "having strangely neglected the execution of their commissions," and stating that this neglect was "the chiefest cause of the general desolation of the country". The King draws their attention to "the many robberies, oppressions and outrages committed through all parts of the country" and exhorts them to do their duty. "Let the present general cries of the people for justice, and the present general oppression under which the country groans, move you to have a compassion of it and to raise in you such a public spirit as may save it from this inundation of miseries that breaks upon it by a neglect of his Majesty's orders, and by a general relaxation of all civil and military laws. Consider that our enemies, leaving us to ourselves as they do, conclude we shall prove greater enemies to one another than they can

[1] Probably "embezzled".

[2] Clarke, *Life of James II.*, ii., p. 386.

[3] Letter attached to the Journal of the Proceedings in the Irish Parliament (*Somers Tracts*, xi., p. 411).

be to us; and that we will destroy the country and enslave ourselves more than they are able to do. What inhumanities are daily committed against one another gives but too much ground to the truth of what our enemies conclude of us[1]."

[1] Albaville's instructions to the Commissioners of Oyer and Terminer (Appendix to King).

CHAPTER X.

PENAL LAWS IN ENGLAND AND IRELAND.

THE chief glory of man consists in his sympathy with the past and in his hopes of the future. If the present only engaged his attention, he would differ but little from the beasts of the field. History therefore has for him a perennial interest. But history may be written in two very different ways. The first is, to consider each stage of society in a nation, or in the European community of nations, as a development or necessary evolution from those which preceded it, and to regard the future as ever extant, though unseen, in the present. This is the true method, and alone deserves the name of history. Such a mode of treatment excludes all passion, all party feeling, or personal affection. Events rather than individuals, the spirit of the times, the secret tendencies which, though hidden from the immediate actors, direct the growth of thought, the mutual influence of nations upon each other, and the religious impulse, are the principal subjects of its consideration. The other method is, to write it with a purpose, either to exalt a party with which the author is connected, to advance a policy, or to award praise or blame to statesmen or governments. This latter mode is well exemplified by two works which all of us have in our hands, namely, Hallam's *Constitutional History*, and Macaulay's account of the revolution of 1688. Hallam's book is a very imperfect attempt to explain the growth of our Constitu-

tion by one who knew but little of the great services of our National Church in consolidating the empire and in helping to secure the privileges we enjoy; of the great conflict with Rome, and of the long series of statutes to establish ecclesiastical independence, and secure the integrity of our tribunals; of the Supremacy of our sovereigns before the time of Henry VIII.; of the dangers to England arising from the alliance of the Popes and the Kings of Spain; and of the peace and security in which the Roman Catholics lived during the first twenty-five years of the Reformed Government. But as a panegyric of his party it is perfect. Avoiding the open partisanship of Macaulay, and believing fully in his own impartiality, he teaches throughout his volumes that all improvement in our laws and constitution is due to one party in the State alone, and that the other was merely a drag on the principle of amelioration.[1] Macaulay's work is simply an undisguised glorification of his hero and of the political body to which he himself belonged. His authority was never considerable and is daily diminishing. His gross partiality, and the narrow bigotry which denies to his opponents all merit and even common honesty, arouse our distrust; while his style, modelled on that which prevails in our courts of law, fatigues us with its endless flow of clamorous advocacy.

For a long series of years, the writing of what is commonly called English history has been in the hands of Whig authors, who dislike the process of deduction, and are unwilling to consider each stage of society as the result of

[1] A note of Hallam, in his *Middle Ages under Spain*, shows us with what party feeling he approached the writing of history. A Spanish author, whom he quotes, remarked that one party in the Cortes consulted the good of the kingdom, the other that of the king. Hallam's interpretation of this passage is that the parties were Whigs and Tories respectively. This quite equals Macaulay's "conflict between Oromasdes and Arimanes".

antecedent circumstances. When they find anything in our laws and constitution which displeases them, their habit is to regard it as a separate and solitary fact without any reference to the causes which produced it. It is thus they treat the English Penal Laws. The strong compulsion of self-preservation, or the jeopardy of their country, may have constrained our forefathers to enact measures which time, with its infinite changes, has rendered no longer necessary, but the motives and apprehensions which gave birth to those measures are entirely disregarded by these authors. We are overwhelmed with rhetorical censures of the Penal laws, but we hear nothing of the prior foreign and domestic events which produced them, namely, the long and terrible struggle with the Popes and their Spanish champions, the introduction by the Jesuits and seminary priests of a new faith which mixed up the truths of religion with treasonable designs, and the perpetual plots and conspiracies of the Papistic faction at home. These writers justly pride themselves on the efforts of their party for the repeal of the Penal Statutes; but a sense of their triumph occupies their attention exclusively, and prevents them from seeing both sides of the question. They ought at least to have shown the same candour and the same spirit of liberal inquiry which mark the writings of such Roman Catholics as the secular priests in the reign of Elizabeth, William Watson, a seminary priest, Bossuet, Sir John Throckmorton, Rev. Joseph Berington, Father Walsh, and Rev. Dr. O'Conor, all of whom attribute the Penal Laws to the misconduct of their own community. Nor do they offer a word of explanation how it came to pass that a people, whose "ancient and inbred piety, integrity, good nature and good humour" one of themselves celebrates, was reduced to enact laws of such extreme severity.

When these authors come to deal with the Irish Penal Laws, they display a real or affected ignorance. They make no mention of the two universal rebellions which preceded and helped to produce them, nor do they connect them with the English system which was the fount from which they sprang. Two of them, Hallam and Macaulay, say but little of the English Penal Laws, but they are loud in their denunciations of the Irish. The references of Hallam to the English enactments are few, and Macaulay makes no mention of them or of their effects in his description of the condition of England at the accession of James II. Burke describes the Irish system as "an unparalleled code of oppression". Unparalleled it certainly was not either abroad or at home. The use of this word is extremely disingenuous, and conceals a fact which must have been well known to Burke at the time when he wrote, namely, that the English Penal Laws were more numerous and more severe than those in Ireland. If these authors had made themselves acquainted with the jurisprudence of England and with the history of Ireland, they would have learned that every Irish Penal Statute was copied from English legislation, and that many of them were either mitigated or softened down before they were adopted by the Irish Parliament; that while the English Roman Catholics groaned under numerous enactments during the reigns of Elizabeth, James I. and Charles I., the only penalty imposed on the Irish Roman Catholics in common with Protestant dissenters was a fine of ninepence for non-attendance at church; that this penalty was seldom exacted in the two former reigns and never in that of Charles I.; and that perfect toleration and political equality existed in Ireland before the great rebellion of 1641. From such authors it is idle to expect any information as to the origin and causes of the Penal Laws in England and Ireland.

Long before the Reformation, and while England was still Papal, there were Penal Laws in connection with religion. The ante-Reformation enactments may be divided into two classes, distinct from each other and differing in their aims. The first class was directed against heresy, and called in the aid of the temporal power to maintain unity of belief, and to prevent the spread of new opinions.[1] This class was repealed by the Reformed Government of Edward VI., revived by Queen Mary, and finally abolished for ever by Elizabeth. The second class consisted of the long series known under the name of Statutes of Provisors and Præmunire. The object of the Statutes of Provisors was to secure to domestic hands the patronage of the National Church, and to prevent the intrusion into it of strangers nominated by the Pope. The original aim of the Statutes of Præmunire was to preserve the independence of our civil courts, but by the last of them their scope was so far extended as to forbid all communication with Rome, except with the permission of the King. The intolerable exactions of the Papacy, and its perpetual encroachments on the laws and customs of the country, had united the bishops, clergy, nobles and commonalty in a determination to limit the Popes to their spiritual province, and to subject all correspondence between them and Englishmen respecting the patronage, possessions and administration of the Church to the permission and supervision of the secular Sovereign.[2] The penalties inflicted by these statutes were extremely severe. The last of the Provisors enacted

[1] 5 Ric. II., st. ii., c. v. Sheriffs to apprehend preachers of heresy. 2 Henry IV., c. xv. For the repression of heresy and burning of heretics. 2 Henry V., c. vii. Magistrates to assist Ordinaries in extirpating heresies and punishing heretics.

[2] The bishops and regular prelates voted unanimously for the last and most stringent statute of Præmunire. Fuller tells us that there were in this Parliament "almost sixty ecclesiastical barons".

that everyone who should accept a benefice in England by way of Papal provision should be banished for ever, and his lands and goods forfeited to the King. By the final statute of the Præmunire series it was provided that all persons who obtained from the Papal Court translations, processes, sentences of excommunication, bulls, instruments, or any other thing which touched the King, his crown, regality or realm, and all who brought them into the realm or received them, or made notification or execution of them, should be outlawed, their lands and goods forfeited, and themselves attached, or that process be made against them by way of Præmunire. The statutes of Provisors and Præmunire have never been repealed. They remained untouched by the legislation of Queen Mary, who made use of them against the Pope himself. Though these statutes have never been repealed, they now possess only a historical interest for us, as the ecclesiastical supremacy of our Sovereigns and the independence of the English Church are no longer threatened by an external authority. We have now to consider the origin and causes of the modern Penal Laws, which commenced in the reign of Elizabeth.

The first and principal question to be considered is: Were these modern Penal Laws defensive or offensive; were they extorted by Papal aggressions and the misconduct of a dangerous faction at home which the English Government had no means of distinguishing from the general body of the Roman Catholics, or were they unprovoked attacks upon the professors of a different religion? In dealing with this inquiry it is desirable to exclude all Protestant testimony, and to make use of that of Roman Catholics alone. It may be well to mention here that the expression, temporal power of the Popes, has two meanings. The one refers to their authority as princes in

their own dominions, with which we have nothing to do. The other, to their claims to depose sovereigns, to absolve their subjects from their obedience, and to override the laws and customs of an independent kingdom.

For upwards of 200 years, from 1538, a spurious Christianity compounded of religion and treason was taught to the Roman Catholics of England and Ireland by the Popes, and by the emissaries who were despatched into these countries by them or with their consent. Instead of a pure faith, the Roman Pontiffs contravening the precepts of the Gospel, preached in their bulls and briefs, that heretical princes should be deposed, that no allegiance was due to them, and that their subjects were bound to fight against them. It is now admitted by all Roman Catholics that the deposing dogma and all its treasonable corollaries are contrary to Scripture, and that the laws of God ordain obedience to the existing Government of a country.[1] But the doctrine which was preached by the Popes before and at the times when the Penal Statutes were passed was absolutely incompatible with the independence and even the existence of a Protestant State, and subversive of the authority of a Protestant Prince. The Roman Pontiffs claimed the right, in the exercise of their temporal power, to set aside our sovereigns and to transfer their dominions to another, denied their title and exhorted their subjects to rebel against them. Both by example and precept they inculcated conduct adverse to the peace of society and contrary to the duties of citizens. During the whole reign of Elizabeth they directed all the moral and

[1] "I am not aware that there is a Catholic divine in existence at present who holds the doctrine of the Pope having temporal power or authority over independent States" (Archbishop Kelly, *Digest of Evidence*, 1825). "The Pope's claim to temporal power by divine right has not perhaps at this time a single advocate" (Charles Butler, ii., p. 222).

material resources at their command to the destruction of England and her conquest by the Spanish Kings. They invaded English territories with their own troops, encouraged rebellions, instigated conspiracies, preached crusades against England, and sent missionaries to teach a faith which was not the Catholic faith, but a corrupt mixture of religion and sedition. And when, after the accession of James I., they were deprived of the assistance of Spain, they continued to teach their adherents the dogma of the deposing power, and would not allow them to testify their allegiance or affection to their lawful sovereign. The Popes tolerated the rejection of their claims in France and other countries where the Prince was Roman Catholic, but they would not allow it in these islands where the King was of a different religion. To say that Pontiffs, who claimed infallibility within the province of faith and morals, inculcated an immoral doctrine, is a grave statement; but the words of the Popes themselves establish the fact of their having preached such a doctrine, and the judgment of all Roman Catholic divines has for a long time condemned it, one learned body among them going so far as to call it the "disgrace of the Christian name". Cardinal Manning tells us that "the laws which govern our civil allegiance are as old as the revelation of Christianity, and are regulated by the divine constitution of the Church and the immutable duties of natural morality . . . they are of divine institution and are beyond all change, being in themselves unchangeable".[1] As far back as 1606, the Venetian theologians condemned as "seditious and sacrilegious" the maxims that Kings and States were subordinate to the Popes in civil matters, and that their subjects could be absolved from their obedience.[2] In 1626,

[1] *Vatican Decrees*, p. 174.

[2] Caron, *Remonstratio Hibernorum*, I., vi., p. 1.

the sacred faculty of the University of Paris censured a treatise of the Jesuit, Sanctarellus, in which it was laid down, that the Pope could inflict temporal punishment on Princes, and free their subjects from their obedience, and declared these doctrines to be "new, false, erroneous and contrary to the word of God".[1] The divines of the Universities of Toulouse, Valence, Bordeaux, Poitiers, Caen, Rheims and Bourges, concurred in this censure. In 1680, sixty doctors of the same sacred faculty at Paris asserted that the English Roman Catholics might with a safe conscience take the oath of allegiance which the Popes had condemned.[2] In 1682, the French clergy subscribed unanimously to an article resolving "that the power which Jesus Christ had given to St. Peter and his successors, related only to spiritual things and those which concern salvation, and not to things civil and temporal. Kings and princes therefore are not, in temporals, subject to any ecclesiastical power either directly or indirectly, neither by the authority of the Keys can they be deposed, or their subjects freed from their faith, obedience, or oath of allegiance." In 1788-9, the Faculties of Divinity in six Roman Catholic Universities,[3] drawing their arguments from Scripture, the writings of the Fathers, and the records of the primitive Church, declared that the Pope was possessed of no temporal power in foreign countries, and that no authority on earth could absolve subjects from their allegiance.[4] Among ourselves, the Archbishops Murray, Kelly, Curtis, the Bishops Doyle and

[1] Caron, *Remonstratio Hibernorum*, I., vi., p. 2.

[2] "Answer of the Faculty of Divinity at Paris to the Queries proposed by the English Catholics, 1789" (Butler, *English Catholics*, i., Appendix).

[3] Louvain, Douay, Paris, Alcala, Valladolid, Salamanca.

[4] The decisions of these Universities are given in Butler, *English Catholics*, i., Appendix.

Magaurin,[1] Father Walsh, the Rev. Joseph Berington, the Rev. Charles O'Conor, and Sir John Throckmorton have declared that the divine law as to the allegiance due by subjects to their Prince is perfectly clear. If these theologians are right, the Popes, who preached that kings might be deposed and their subjects freed from their oath of allegiance, were guilty of heresy, and, as the Faculty of Divinity at Louvain expresses it, enunciated a tenet which was of infinite detriment to the Church and Republic of Christianity, and coloured the face of Europe with rivers of blood.[2] It is strange to find that a spiritual authority which the devotion of the western nations had established for the purpose of leading them in the paths of righteousness was corrected and recalled to its duty by those whom it professed to teach. For it is as certain as anything of the kind can be that, if the Roman Catholics of England and Ireland had not freed themselves from the temporal domination of the Popes "without even consulting Rome or regarding its former vain pretensions and unchristian condemnation,"[3] the Roman Pontiffs would have continued much longer than they did to preach their anti-social and anarchical tenet. "If," says Sir John Throckmorton, "the Catholics of England had been weak enough to recur to the Holy Congregation, I am firmly convinced they would

[1] For the statement of the Irish Prelates, see "Digest of their Evidence before Parliamentary Committees in 1825".

[2] "When, in the history of those ages, the sacred faculty of divinity of Louvain finds the evils which have been produced from the circumstances alluded to [the doctrine of the deposing and absolving power] the infinite detriment they have been to the Church and republic of Christianity, and the rivers of blood with which they have more than once coloured the fair face of Europe, she wishes the torch of history extinct, that this disgrace of the Christian name might be buried in oblivion. She wishes it erased from the records of history, and would blot out the remembrance of it even with her own tears."

[3] Throckmorton, *Second Letter to the Catholic Clergy*, p. 71.

not have been permitted to abjure the deposing and absolving powers. Paul V. had declared those powers could not be renounced without violating Catholic faith; and to maintain the Pope had no such powers, was uniformly contended by the Roman divines to be *non tam opinio quam hæresis*".[1] The doctrine of the deposing power will be best learned from the actual words of the Papal bulls and briefs.

In 1538, Paul III. published a bull, by which he excommunicated Henry VIII., and drove the English Church out of Catholic unity.[2] Forgetting the principles of the canon law, and the advice of St. Augustine that censures do no good except when the person censured has few followers, this Pope included in his excommunication both the King and people of England. By "this extraordinary document, in which care was taken to embody every prohibitory and vindictive clause invented by the most aspiring of his predecessors,"[3] Paul deprived Henry of his crown, dissolved all leagues of princes with him, gave his kingdom to any invader, interdicted his dominions, required all clerical and monastic bodies to retire from his territories, commanded his nobility to take up arms against him, freed his subjects from all oaths of allegiance, cut off their commerce with foreign nations, and declared it lawful for any one to seize them, to make slaves of their persons, and to convert their property to his own use.

In 1559 Paul IV., issued his bull *Cum ex Apostolatus Officio*,[4] which was subsequently confirmed by Pius V. in

[1] Throckmorton, *Second Letter to the Catholic Clergy*, Appendix, p. 75.

[2] Damnatio et Excommunicatio Henrici VIII., Regis Angliæ, ejusque fautorum et complicum, cum aliarum pœnarum adjectione. (Cherubini, *Magnum Bullarium Romanum*, ed. 1727, i., p. 707.)

[3] Lingard, v., p. 47, ed. 1849.

[4] Invocatio quarumcunque censurarum et pœnarum contra hæreticos et schismaticos quomodolibet promulgatarum, et aliarum pœnarum im-

his *Inter Multiplices.* Paul IV's bull was drawn up after consultation with his Cardinals, thirty-one of whom sign it. It states that it was published with their unanimous consent, and declares that the Pope, as representative on earth of God and Jesus Christ, is possessed of supreme power over nations and kingdoms, and judges all, he himself to be judged of none. After this exordium it enacts that to deter them from evil by the fear of punishment all Emperors, Kings, Dukes, Marquises, Patriarchs, Cardinals, Archbishops, Bishops, etc., as soon as they fall into heresy or schism, are at once irrevocably deposed and deprived for ever of all power and authority. If they show the signs and fruits of condign repentance, they are by the benignity and clemency of the Roman See, to be imprisoned in a monastery or other house of regulars, there to do penance for the remainder of their lives on the bread of adversity and the water of affliction. All who receive, defend, or favour heretics or schismatics incur the same sentence of excommunication, and are declared infamous and incapable of making a will or succeeding to an inheritance.

In 1569 Pius V. drew up his bull *Regnans in Excelsis,* which he published in the following year.[1] In this bull "ever to be condemned and ever to be lamented,"[2] the Papal claims to supreme temporal power were asserted in the strongest language. After declaring that the Pope alone is appointed "Prince over all nations and kingdoms

positio, in cujuscunque gradus et dignitatis prælatos et Principes hæreticæ vel schismaticæ pravitatis reos. *Bullarium Magnum,* i., p. 840.

[1] Pii Papæ V. sententia declaratoria contra Elizabeth, prætensam Angliæ reginam, et ei adhærentes hæreticos, qua etiam declarantur absoluti omnes subditi a juramento fidelitatis, et quocumque alio debito, et deinceps obedientis Anathemate illaqueantur (Sander, *De Schismate Anglicano,* p. 368, ed. 1610).

[2] Charles Butler, *English Catholics,* i., p. 349.

to destroy, to scatter, to crush, to plant, and to build," it terms Elizabeth "the pretended Queen of England and the servant of wickedness". It proceeds, "we do, out of the fullness of our apostolic power declare the said Elizabeth, as being a heretic and a favourer of heretics, and her adherents, to have incurred the sentence of excommunication and to be cut off from the unity of the body of Christ. And moreover we declare her to be deprived of her pretended title to the kingdom, and of all dominion, dignity and privilege whatsoever, and also the nobility, subjects and peoples of the said kingdom, and all others who have in any way sworn unto her, to be for ever absolved from any such oath and all manner of duty, allegiance and obedience. And we command and charge all and every, the noblemen, subjects, peoples and others aforesaid that they presume not to obey her on her orders, mandates and laws, and those that shall do the contrary we include also in this sentence of anathema". This bull was confirmed and renewed by Gregory XIII. and Sixtus V.

After the Gunpowder Plot James I. devised an Oath of Allegiance, in order to discriminate between the Papistic faction and loyal Roman Catholics, and to confer peace and security upon the latter.[1] An opportunity was offered to the whole communion of showing that they were not disaffected, and that, though their spiritual head claimed the right of allowing or disallowing the performance of their civil duties, their religion was not inconsistent with

[1] The oath was intended, as James informs us, "to make a separation between so many of my subjects, who, although they were otherwise popishly affected, yet retained in their hearts the print of their natural duty to their sovereign, and those who, being carried away with the like fanatical zeal that the Powder traitors were, could not contain themselves within the bounds of their natural allegiance, but thought diversity of religion a safe pretext for all kinds of treasons and rebellions against their sovereign" (*King James's Works*, p. 248).

the safety of the State. In framing the Oath the greatest care was taken that it should contain nothing but matters of civil allegiance. It merely required the Roman Catholics to abjure the claim of the Pope to depose the King, and to absolve his subjects from their natural obedience. There was not a word in it touching any point of religion. This is now admitted by all. When James II. was Duke of York he took the Oath himself, and expressed his intention of enforcing it when he should be King.[1] Every proposition respecting the rights of an English Sovereign, and every denial of the deposing and absolving powers in it, have since been adopted by the Roman Catholics over and over again in their oaths and petitions. After the Oath was published, a copy of it was conveyed to Rome by Robert Parsons, and laid before the Pope. In a Brief addressed to the English Roman Catholics[2] Paul V. condemned it as "containing many things obviously contrary to faith and salvation," and admonished his flock to refuse it or any similar oath. When the Brief arrived in England, the Roman Catholics were thrown into the utmost confusion, for they wished, and felt it their duty, to take the Oath. Suspecting the agency of Parsons and the Jesuits, they questioned the authenticity of the Brief, or asserted it had been obtained on false pretences. To remove all doubts on this head, a second Brief[3] was issued confirming that of the preceding year, and acknowledging it as the act of the Pontiff himself, but omitting, as the former had done, to specify what was objectionable in the Oath. In 1608 a third Brief was published, repeating the condemnation

[1] Butler, *English Catholics*, ii., p. 220.

[2] Breve Pauli V., Romani Pontificis, contra juramentum Fidelitatis, 22nd September, 1606 (Dodd's *Church History*, by Tierney, ix., Appendix p. 140).

[3] Breve alterum Pauli V., Romani Pontificis contra juramentum Fidelitatis, 23rd August, 1607 (*Ib.*, p. 146).

of the Oath, and finally, in 1626, Urban VIII. issued a fourth condemnation. These repeated denunciations of the Popes were effectual, and the Oath was rejected by their communion in England. By this rejection, says a Roman Catholic clergyman and historian, the English people "were now authorised to declare that men whose *civil conduct* was subject to the control of a foreign Court could with no justice claim the common rights of citizens".[1] "Of all the transactions which have taken place amongst the Catholics of this kingdom," says Sir John Throckmorton, "none has been so fatal in its consequences as the opposition made to the Oath proposed by James . . . Unfortunately our clergy were at that time so dependent on the Court of Rome that they applied to that source of Ultramontane prejudices to know if it was lawful to take an oath precisely intended to convey a renunciation of those prejudices. The answer was such as might have been expected."[2] Bossuet asserted, about the year 1700, that if the English Roman Catholics had accepted the Oath offered to them by James "they might now be living in peace and security under certain conditions".[3] Misled by the Papal teaching, the English Roman Catholics determined to disobey the laws of their country,[4] and to stand aloof, as a separate class, from their fellow-citizens. By rejecting the Oath they acknowledged, as an article of faith—for Paul had con-

[1] Rev. Joseph Berington, *Agency of Panzani in England*, p. 78.

[2] *Second Letter to the Catholic Clergy of England*, p. 69.

[3] "An. vero 1606. Jacobus Rex juramentum præstari jussit a Romanis Catholicis, quod si præstitissent, libere ac tuto certis conditionibus in sua religione viverent" (*Defensio*, pars. i., lib. iv., c. 23).

[4] "The duty we owe to our Sovereigns doth not consist in taciturnity or keeping close within ourselves such allegiance as we think sufficient to afford them; but we are, especially when we are required thereunto, to make open profession of it, that we may appear unto them to be such subjects as we ought to be, and as they may rely upon" ("Secular Priests in their" *Important Considerations*).

demned it as contrary to salvation—that the Pope possessed the right of deposing their Prince, and of absolving themselves from their allegiance. The reasons which induced the Roman Pontiffs to condemn James's Oath and to recommend a policy which, for many generations, involved their flock in misery, were two. The first was that it denied the deposing power; the second was avowed by Innocent X. "The Holy See never can by any positive Act approve of the civil allegiance of Catholic subjects to a heretical Prince. From this maxim of the Holy See have arisen the many difficulties and disputes in England about the Oath of Allegiance."[1] Paul V. alleged in his Brief that he condemned the Oath for the salvation of souls. Innocent discloses the true motive.

For many years the Popes had been working at and revising the bull *In Cœna Domini*. In 1511 Julius II. issued an edition of it.[2] In 1536 Paul III. issued another differing but slightly from that of Pope Julius.[3] In 1627 Urban VIII. published the last version in his *Pastoralis Romani Pontificis Vigilantia*, to which the following title is prefixed in the *Bullarium*—excommunication and anathematisation of heretics of every sect, and of those favouring or giving them aid or assistance; of schismatics and those disturbing ecclesiastical liberty or violating the contents of the bull *In Cœna Domini*.[4] This bull was

[1] Carte, *Ormond*, i., p. 578. O'Conor, *Historical Address*, ii., p. 415. See also Hutton, *Embassy of Rinuccini*, Append., p. 580.

[2] Anathematizatio hæreticorum, et aliorum contravenientium contentis in ista Constitutione quæ Bulla in Cœna Domini nuncupatur (*Bullarium Magnum*, i., p. 507).

[3] Anathematizatio hæreticorum, et aliorum contravenientium contentis in hac Constitutione quæ Bulla in Cœna Domini appellatur (*Ib.*, i., p. 718)

[4] Excommunicatio et Anathematizatio hæreticorum cujuscumque Sectæ, eisque faventium, auxilium aut consilium quoquomodo præstantium; ac Schismaticorum, vel libertatem ecclesiasticam perturbantium, aut his, quæ in ista bulla in die Cœna Domini legi solita continentur, contravenientium (*Ib.*, iv., 117).

solemnly read out and published annually at Rome, on the Thursday of Passion week for 200 years, until its reading was prohibited by Clement XIV. in 1769. It excommunicates and anathematises all heretics and schismatics; all who in their own dominions impose taxes, unless allowed by the law or the special permission of the Roman See; all who appeal to secular courts against the execution of Papal decrees, etc.; all secular judges who summon ecclesiastics before their tribunal; all who enact laws which directly or indirectly lessen or restrict ecclesiastical privileges or prejudice the rights of the Roman See; all who impede ecclesiastical judges in the exercise of their functions, and all who endeavour to elude their judgments and sentences by an application to a secular court, and also the judges in such courts who give ear to the complaint; all who impose taxes on ecclesiastical persons or possessions without the special license of the Roman Pontiffs, or even receive them when willingly paid; all magistrates, judges, notaries, scribes and executory officials who interfere or take part in capital or criminal cases against ecclesiastical persons "without the special specific, and express permission" of the Roman See. The Pope alone can grant absolution from these censures except *in articulo mortis*, and even then the penitent cannot be absolved until he has given caution for obeying and satisfying the commands of the Church.

In 1647, after the termination of the first English civil war, hopes were entertained of composing the differences between the King and the Parliament, and it was proposed to include the Roman Catholics in the general settlement of the nation. It was agreed that the Penal Statutes against that body should be repealed and liberty of conscience granted to its members, on condition they showed that their religion was not inconsistent with the

safety of the Civil Government. For this purpose they were required to sign in the negative the three following propositions:—

1. That the Pope or the Church hath power to absolve any person or persons whatsoever from his or their obedience to the Civil Government established in this nation.

2. That it is lawful by the Pope's or Church's command or dispensation to kill, destroy, or otherwise injure any person or persons whatsoever, because he or they are accused, condemned, censured or excommunicated for error, schism or heresy.

3. That it is lawful in itself or by the Pope's dispensation to break either word or oath with any persons above-said under pretence of their being heretics.[1]

Fifty Roman Catholic noblemen and gentlemen and several of their clergy signed the propositions in the negative. When the subscription was known at Rome, Innocent X. called a Congregation for the special purpose of taking it into consideration.[2] It was condemned as heretical, and further, it was declared that the subscribers had incurred the penalties denounced against those who denied the power of the Popes in causes of faith.[3] The condemnation did not specify any particular proposition to which the Pope and Congregation objected. All were condemned alike, and the English Government and people were left under the impression that the three propositions, taken affirmatively, were articles of the Roman Catholic faith.

At a later period in the history of Europe, when the

[1] An account of this transaction is given in Walsh's *History of the Irish Remonstrance*, pp. 522-54, and in Caron's *Remonstratio Hibernorum*, I. iv. 3.

[2] Letter of de Vecchius, Papal Nuncio at Brussels (Walsh, p. 16).

[3] Sacra Congregatio resolutionem illam negativam tanquam hæreticam mox condemnat; subscriptoresque in pœnas, in sacris canonibus et constitutionibus apostolicis contra negantes potestatem pontificiam in causis fidei incidisse declarat (Caron, *Remonstratio Hibernorum*, I. iv. 3).

fervour of religious enthusiasm had calmed down, the anarchical teaching of the Popes might not have been followed by dangerous consequences. But before, and at the time when the first Penal Laws were passed, the existence of England as an independent State was threatened by the confederations of foreign powers which the Roman Pontiffs had organised against her. During the whole reign of Elizabeth the safety of England hung by a thread. In all human probability, nothing saved the kingdom from subjugation but the jealousy between France and Spain. When in 1580 the Jesuits first arrived in England, a Papal fleet and army were on their way to conquer Ireland; and a simultaneous invasion of the three Kingdoms by the Pope, the King of Spain, the Grand Duke of Tuscany, and the Knights of Malta had been arranged two months before the Jesuits left Rome.[1] To sanctify "the sacred expedition" Gregory XIII. had renewed the bull of Pius V. excommunicating and deposing Elizabeth. The jeopardy of England was great and imminent. Fortunately, at this juncture the old King of Portugal died, leaving a more tempting field for the ambition of Philip II., who, without losing a moment, poured the forces which had been intended for England into Portugal. Of the danger of this combination a Roman Catholic writer says, "statesmen who knew the circumstances of the case were nearly unanimous in attributing the salvation of Elizabeth's government to the death of the old King of Portugal".[2] At this date the only law which affected Roman Catholics as such, was the Act against the importation of Papal bulls, which was a revival of the last Præmunire statute.[3]

[1] Simpson's *Campion*, p. 230; *Calendar*, *State Papers*, Venetian, vii., p. 650; Labanoff, vii., pp. 152-61.

[2] Simpson's *Campion*, p. 231.

[3] The Act of Supremacy affected all subjects, that of Uniformity all Dissenters. A declaration of the English Roman Catholic clergy, addressed

This was the crisis which the Pope chose to throw into England an element of discord and to divide the hearts of her subjects by undermining their loyalty. Two bodies of brave and devoted men, mistaking the worldly precepts of the Roman Pontiffs for divine commands, undertook to corrupt the allegiance of the English people by a secret propaganda of treason, and to preach a gospel of treachery within the kingdom. For Gregory XIII., by his indulgence, modifying the bull of Pius V. against Elizabeth, allowed the English Roman Catholics "to exhibit to her a temporary and conditional fealty and obedience as long as they could not help themselves; but the moment they could, or thought they could, or were told by the Pope that the time was come, then their obedience and fealty were to end; the censures were to resume their full force and the Queen was to be violently assailed".[1] The two parties to which the task was assigned, were the seminary priests and the Jesuits, the former directed by William Allen, who was afterwards raised to the Cardinalate for his services in this respect; the other by Robert Parsons, the irreconcilable enemy of a Protestant government.[2] The opinions which were taught in the seminaries which these men had

to Clement VIII., states: "During the short space of nearly two years that he [Parsons] spent in England [from June, 1580], so much did he irritate by his actions the mind of the Queen and her Ministers that on that occasion the *first* seven laws were enacted against the ministers of our religion and those who should harbour them" (Berington's *Panzani*, p. 28).

[1] Simpson, p. 130.

[2] "To the intriguing spirit of this man, whose whole life was a series of machinations against the sovereignty of his country, the succession of its crown, and the interests of the secular clergy of his own faith, were I to ascribe more than half the odium under which the English Catholics laboured through the heavy lapse of two centuries, I should only say what has often been said, and what as often has been said with truth" (Berington's *Panzani*, p. 26).

established and from which they despatched missionaries into England,[1] may be judged by those held by their founders. During the war in the Low Countries, Sir William Stanley betrayed to the Spaniards the town of Deventer of which he was Governor. This conduct excited great indignation in England. Allen hastened to address a letter to the officers of Stanley's regiment, justifying the betrayal and exhorting the Roman Catholics in all other regiments to do the same. "To come then to your purpose, though I have already by my letters to Sir William given my own opinion, I will yet, for better clearing the cause, set down here my mind more largely and distinctly. Therefore first I say, that the rendering of such towns and places of the Low Countries as be in any Englishman's custody is not only lawful but necessary to be done under pain of mortal sin and damnation. . . . Yea, I say more to you, gentlemen, seeing your desire to know my meaning fully on this point, that as all acts of justice within the realm done by the Queen's authority ever since she was by public sentence of the Church and See Apostolic declared a heretic and an enemy of God's Church, and for the same by name excommunicated and deposed from all royal dignity; as, I say, ever since the publication thereof, all is void by the law of God and man; so likewise no war can be lawfully denounced or waged by her, though otherwise in itself it were most just. Because that is the first condition, that it be denounced by one that hath lawful and supreme power to do the same, as no excommunicate person hath, especially if he be withall deposed from his regal dignity by Christ's own Vicar, which is the supreme power on earth. And all subjects are not only absolved and discharged of their service, oath, homage, and obedience, but specially

[1] Douay, Louvain, St. Omer, Valladolid, Seville, etc.

forbidden to serve or obey any such canonically condemned person."[1]

Previous to the sailing of the Armada, Allen by order of Pope Sixtus V. drew up a manifesto which was dispersed among the English Roman Catholics. "This publication" says the Rev. M. A. Tierney, "the most offensive perhaps of the many offensive libels sent forth by the party to which Allen had attached himself . . . in a tone of most scurrilous invective denounced the character and conduct of the Queen, portrayed her as the offspring of adultery and incest, a heretic and the maintainer of heretics, a persecutor of God's Church, a lascivious tyrant, and an unholy perjurer".[2] It concluded by calling on the English to rally to the standard of the Spanish invader as their rightful King. "Now therefore, my lords and dear countrymen, if you list, follow this, God's ordinance and happy provision that He hath of His great mercy made for your honours, liberty and salvation. If you without delay join yourselves, as God, conscience and nature bindeth you; if you take part one with another in so goodly and honourable a quarrel, you shall attain your purpose without all bloodshed, where otherwise, if you should either sit still or refuse to help or sever yourselves one from another or any of you seek to uphold—which God forbid—the usurper or her complices, being thus cursed by the Church and forsaken of God and of all good men, you that do so, shall first incur the Angel's curse and malediction upon the inhabitants of Meros, who sat still and would not help God nor venture their lives in His quarrel, and secondly, be as deeply excommunicated as she is, and so you shall be guilty of your own ruin and the blood of the people, and

[1] The copy of a letter written by M. Doctor Allen, concerning the yielding up of the citie of Daventrie unto his Catholic Majesty, etc. Reprinted by the Chetham Society, 1851.

[2] Dodd's *Church History*, by Tierney, iii., p. 29.

yet shall not prevail. You shall fight against God and against his anointed, against your next lawful king, against truth, faith, religion, conscience, and your dear country. You shall doubtless defend, yea to your own present destruction and eternal shame, a most unjust usurper and open injurer of all nations, an infamous, depraved, accursed, excommunicated heretic, the very shame of her sex and princely name, the chief spectacle of sin and abomination in this our age, and the only poison, calamity, and destruction of our noble Church. Fight not, for God's love; fight not in that quarrel in which if you die you are sure to be dammed."[1]

The writings and opinions of Parsons were equally dangerous and subversive of the authority of Protestant Princes. In one of his works he says, "The whole of divines and canonists do hold that it is certain and of faith, that any Christian Prince whatever, if he shall manifestly deflect from the Catholic religion and endeavour to draw others from the same, does immediately fall from all power and dignity by the very force of human and divine law, and that also before any sentence of the Supreme Pastor or Judge pronounced against him; and that his subjects whatsoever are free from all obligation of that oath which they had taken for their allegiance to him as their lawful prince; and that they may and ought, if they have forces, drive out such a man as an apostate or heretic and a backslider from the Lord and Christ and an enemy to the commonwealth, from all dominion over Christians, lest he infect others or, by his example or command, turn others from the

[1] "An Admonition to the nobility and people of England and Ireland concerning the present wars made for the execution of his Holiness's Sentence by the high and mighty King Catholic of Spain." The substance of this address was also compressed into a smaller compass, and printed as a broadside, with the title, "A Declaration of the Sentence of Deposition of Elizabeth, the Usurper and Pretended Queen of England".

faith, and that this certain, definite, and undoubted opinion of the best learned men is wholly agreeable, and consonant to the apostolical doctrine".[1] Parsons also, after the death of Philip II., compelled the English students in the Spanish seminaries to acknowledge the Infanta as their lawful Queen "that on their return they might persuade their relations to accept no other".[2] The opinion of Cardinal D'Ossat on the teaching in the colleges founded by Allen and Parsons has already been given.

The tenets taught in the seminaries established by these men, and which were propagated in these countries by the priests educated in them, were not matters of barren speculation and school disputation. They contained the active and prolific germs of discord, which, if not arrested by stern statutes, might have divided the English people and made their country an easy conquest. They struck directly at the unity of affection in the subject which was necessary for the defence of England, threatened as it was by Catholic Europe. The ultimate success of Elizabeth's government tends to make us forget the real and imminent dangers which then encompassed England. Allen and Parsons, who had the best means of knowing their own party, furnish conclusive evidence of the strength of the Papistic faction at home. Their testimony, together with that of other contemporary Roman Catholics, enables us to judge what support this party could have given to an invasion and how willing it was to do so. In 1582, Parsons told Tassis, the Spanish agent in Paris, that he knew from the declarations made to himself in confession that the English Roman Catholics would join

[1] Throckmorton, *Letters to the Catholic Clergy*, p. 129.

[2] Letter of Thomas Bluet, a missionary priest, to the Cardinals Borghese and Aragon (*Calendar State Papers*, Domestic, Elizabeth, 1601-3, p. 170).

the invasion projected by the Guises about that year, and that "things had gone so far that there could be no doubt about it, and that most certainly England was very well disposed at the present time for this movement being attempted there".[1] In May of the same year, the Papal Nuncio in Paris wrote to the Pope that the Duke of Guise had made up his mind to invade England, "having a good understanding with the Catholics of England."[2] In August, 1583, the Duke of Guise sent Parsons to Rome to inform the Pope that the invading army would land on the northern coasts, where the Catholics would receive it joyfully; "these," he said, "are so numerous that in a few days twenty thousand of them will join the invading army on horseback".[3] During this year, Allen addressed to the Pope a report on the state of England, entitled "A short note of the standing condition of affairs in England, to show the easiness and opportuneness of the sacred expedition." "If we divide England into three parts, two at least are well affected in heart to the Catholic religion, though many for fear of the Queen do not make a public profession of their faith. . . . The nobles, who all live in their country houses and castles surrounded by their retainers, and especially the yeomen who are exceedingly rich, honourable, powerful, and tenacious of traditions, are the real strength of England. The majority of the gentlemen are well affected in religion, the old nobility are so also.[4] . . . With all these elements of strength we

[1] *Letters and Memorials of Cardinal Allen*, p 39.

[2] *Ib.*, p. 36. [3] *Ib.*, p. 57.

[4] With this estimate compare that of Rishton, the continuator of Sander, who died in 1685. "Besides the very large number of the high nobility, of which I have already spoken, the greater part of the lesser nobility was certainly Catholic; the farmers also throughout the kingdom, an honourable and wealthy class, detested the new heresy." Sander, *De Schismate Anglicano*, p. 340, ed. 1610.

cannot doubt of the success of the expedition. For that all these will follow our party when they see themselves supported by a sufficient foreign force can easily be shown. . . . The Catholics are now much more numerous than they then (1569, the year of the Northern Rebellion) were, and better instructed by our men and priests' daily exhortations, teaching, writing, and administration of the sacraments; so much so that of all the orthodox in the whole realm there is not one who any longer thinks himself bound in conscience to obey the Queen, though fear leads them to think that they may obey her, which fear will be removed when they see the foreign force; and we have lately published a book specially to prove that it is not only lawful but even our bounden duty to take up arms at the Pope's bidding, and to fight for the Catholic faith against the Queen and other heretics. And as the book is greedily read by all the Catholics, it is impossible but that, when occasion serves, they should enroll themselves in the Catholic army. Because we still have, in spite of the numbers banished, nearly three hundred priests in various noblemen's and gentlemen's houses; and we are almost daily sending fresh ones, who, when it is necessary, will direct the Catholics' consciences and actions in this matter." [1] In 1688 one of Allen's priests, addressing the Spanish minister, Mendoza, as the person who "had the principal managing . . . . betwixt the King Catholic assisted with the potentates of the Holy League and all our countrymen which have professed obedience to the Church of Rome," deplored the failure of the Armada. "With the hope of the landing of these great armies and our assistance in taking part, we have continued all this year past in assured hope of a full victory until the last month, but, alas! and with a

[1] Quoted from Theiner by Simpson in his *Life of Campion*, p. 337.

deadly sorrow, we must all at home and abroad lament our sudden fall."[1] At the end of Elizabeth's reign we have further proof of the strength of the Papistic faction. On the day she was seized with her last illness, a "protestation of allegiance" was presented to her Council by some priests declaring, "if the Pope should excommunicate every one born within Her Majesty's dominions, that they would not forsake the defence of Her Majesty and realms, and take part with such conspirators or invaders; in these and all other such like cases, we do think ourselves and all the lay Catholics . . . bound in conscience not to obey this or any such censure, but will defend our Prince and country, accounting it our duty to do so, and, notwithstanding any authority or any excommunication whatsoever either denounced or to be denounced as is aforesaid, to yield unto Her Majesty all obedience in temporal causes".[2] Of the many hundred priests then in England, only thirteen could be induced to sign the protestation; "a lamentable proof," says Sir John Throckmorton, "of the prevalence of the Papistic party".[3] And Charles Butler writes: "Much indeed is it to be lamented that it was not generally signed by all the Catholic clergy and laity of England. But it was opposed by a powerful party".[4] Of this protestation, the Rev. Joseph Berington says: "Had the Catholics in a body, on the accession of King James, waited on him with the protestation of allegiance . . . as containing their true and loyal sentiments, we should probably have heard no more of recusancy or penal prosecution".[5]

Allen's report reveals the true causes of the Penal Laws.

[1] *Harleian Miscellany*, i., p. 142.

[2] The Protestation is given in Tierney's *Dodd*, iii., Append., p. 188, and in Butler's *English Catholics*, i., p. 233.

[3] Letters to the Catholic Clergy, p. 131.

[4] *English Catholics*, ii., p. 63. [5] *Agency of Panzani*, p. 73.

There was a powerful faction at home working for the destruction of England and her conquest by the Spanish King, whom Allen, Parsons, and their disciples regarded as their rightful sovereign. Parsons tells us that the priests were ready to give notice of an invasion to "the principal Catholics";[1] and Allen informs us that he had nearly three hundred priests in the country, and was almost daily sending fresh supplies to direct the consciences and actions of the Roman Catholics in favour of the "sacred expedition" which was to enslave England. It was against these men and those who abetted them in disturbing the peace of the kingdom and alienating the affections of its inhabitants, that the Penal Laws were directed at a time when, as a Roman Catholic writer expresses it "the eternal truths of Catholicism were made the vehicle for a quantity of speculative and practical opinions about the temporal authority of the Holy See, which could not be held by Englishmen loyal to the Government",[2] and when religion was called in to dissolve every social tie. It is remarkable that, though these laws were extremely severe, many Roman Catholic writers in speaking of them have adopted a tone of apology for them. Parsons himself acknowledged that Elizabeth was forced to take the step she did against the seminary priests.[3] William Watson, one of them, asserted in 1601 that it was a wonder, considering the conduct of the Roman Catholics to the State, that a single one of them had been left alive. His words are: "The affliction of Catholics in England hath been in very deed extraordinary . . . so also hath the cause thereof been extraordinary . . . as rather it is to be wondered at, all things duly considered,

[1] *Letters and Memorials of Cardinal Allen*, p. 41.

[2] Simpson's *Campion*, p. 343.

[3] Letter of Thomas Bluet, a seminary priest. *Cal. State Papers*, Domestic, Elizabeth, 1601-3, p. 170.

that any one Catholic is left in life in England than that our persecution hath been so great. For name one nation, I know none can, under heaven, where the subjects, especially if they were Catholics, ever sought the death of their sovereign though of a different religion from them, the conquest of their native land, the subversion of the State, the depopulation of the weal public, the alteration and change of all laws, customs and orders, and in few, the utter devastation, desolation, and destruction of all the ancient inhabitants of their land in so unnatural, unchristian, uncatholic a manner as the Spanish faction have sought it in our own flesh and blood against this realm."[1] About the same time, the Secular priests wrote: "When we consider on the one side what we know ourselves concerning the laws made of later years, with the occasions of them, and likewise as touching the proceedings of the State here since the beginning of Her Majesty's reign, as well against us that are priests as also against other Catholics of the laity; and do find on the other side what practices under the pretence of religion have been set on foot for the utter subversion of the Queen and her kingdom, and therewith call to mind what sundry Jesuits and men wholly, for the time or altogether, addicted to Jesuitism have written and published to the world in sundry treatises . . . it may in our opinion be rather wondered that so many Catholics of both sorts are left alive in the realm to speak of the Catholic Faith than that the State hath proceeded with us from time to time as it hath done."[2] In a subsequent part of their treatise, they assert that the Penal Laws were brought upon their community by the hostile attempts against England abroad, and the support given to them by Roman Catholics at home. Bossuet declared that the Roman

[1] *Decachordon*, p. 276.
[2] *Important Considerations*, 1601.

Catholics in England were not punished as Catholics, but "as public enemies, as men ever disposed, when the Pope should order, to revolt against their King".[1] The Rev. Joseph Berington and Sir John Throckmorton attribute the Penal Laws to the seditious doctrines of the Jesuits and seminary priests, and say that if these missionaries had not come to England, no such laws would ever have been passed. The Rev. Charles O'Conor ascribes them to the intrigues of "a foreign-influenced faction". Father Walsh to the treasonable maxims prevalent amongst the majority of his community, and the Rev. Charles Dodd in his *Church History* to the misconduct of a minority. A modern Roman Catholic writer asserts that, as the seminary priests "turned religion into rebellion and faith into faction" the English Government would have been justified on political grounds to proceed even to their extermination.[2]

The English enactments were principally intended to prevent the Jesuits and seminary priests from spreading their seditious doctrines, but they were not, during Elizabeth's reign, extended or executed against the old Marian priests, who limited themselves to their spiritual duties, or against anyone who abstained from treasonable proceedings. The Rev. Joseph Berington assures us that "none of the old clergy suffered, and none of the new who roundly renounced the assumed prerogative of Papal despotism".[3] The secular priests, after enumerating a long series of bulls, conspiracies, assassination plots, invasions, etc., say: "If we at home all of us, both priests and people, had possessed our souls in meekness and humility, honoured Her Majesty, borne with the infirmities of the State, suffered all things, and dealt as true Catholic priests; if all of us, we say, had

[1] *Defensio*, pars. i., lib. iv., c. xxiii.
[2] Simpson's *Campion*, p. 336.
[3] *Agency of Panzani*, p. 34.

thus done, most assuredly the State would have loved us, or at least borne with us; where there is one Catholic, there would have been ten; there had been no speeches amongst us of racks and torments, nor any cause to have used them; for none were ever vexed that way simply for that he was either priest or Catholic, but because they were suspected to have had their hands in some of the said most traitorous designments."[1]

Charles Butler tells us that "the claim of the Popes to temporal power by divine right has been one of the most calamitous events in the history of the Church; its effects since the Reformation on the English, Irish and Scottish Catholics have been dreadful";[2] and that by the bull of Pius V. "the Pope assumed a right, the exercise of which Christ had explicitly disclaimed for Himself; that it tended to produce a civil war between the Queen's Protestant and Catholic subjects, with all the horrors of a disputed succession."[3] If the effects of the Papal teaching were lamentable in a country which had always repudiated any political action of the Popes, how much greater must they have been in Ireland, a kingdom wholly devoted to the ultramontane tenet, which attributed supreme temporal authority to the Roman Pontiffs. It turned the island more than once into a field of blood, forbade union with the English, and prevented the growth of prosperity. To it and the "many thundering bulls" issued by the Popes Father Walsh ascribed all the sufferings of the Irish Roman Catholics up to his time. "How many dangerous invasions from abroad and insurrections at home, how many other treasonable conspiracies and horrid plots followed those Papal sentences, and all the ill success of such unchristian, bloody undertakings, the extinction of so many hundred

[1] *Important Considerations.*
[2] *English Catholics*, i., p. 347. [3] *Ib.*, p. 349.

illustrious families, the distress of so many thousand ancient houses, the destruction of so many myriads of poor harmless, innocent persons on every side."[1] One historical fact proves conclusively that it was the political religion taught to the Irish which caused the miseries of Ireland, and the hatred of its inhabitants to the English name. All of the old Celtic families and all of the Anglo-Irish which adopted the Reformed faith became at once loyal and the firmest supporters of the English Government.

In addition to the bulls, directed to all Roman Catholics, deposing the English Queen, and absolving her subjects from their allegiance, special briefs or letters were addressed to the Irish. Every rebel, whether a Fitzmaurice, or a Geraldine, or an O'Neill, was sure to receive a Papal rescript exhorting the Irish to fight against the English, and describing them as heretics or the enemies of God.[2] As late as 1642, after the massacres in the North, Urban VIII., having learned that Owen Roe O'Neill was about to start for Ireland, granted to him and all who should fight against the English a plenary pardon and remission of sins.[3] In the following year, the same Pope, having heard that the Irish "do in them what lyeth to extirpate and totally root out those workers of iniquity who in the kingdom of Ireland had infected and (were) always striving to infect the mass of Catholic purity with the pestiferous leaven of their heretical contagion," granted

[1] "Address to the Catholics," prefixed to the *History of the Irish Remonstrance*.

[2] The letter or brief addressed to the Irish in favour of James Fitzmaurice is given in Ellis, *Original Letters*, second series, iii., p. 93; and a translation of it in *Phelan's Remains*, ii., p. 204; that in favour of John Geraldine in O'Sullivan, *Historiæ Catholicæ Compendium*; the letter to O'Neill in *Pacata Hibernia*, ii., p. 667.

[3] *History of Affairs in Ireland*, 1641-52, ii., p. 524.

to all those "militating against the heretics," "a full and plenary indulgence and absolute remission for all their sins."[1] But what, next to the rebellion and massacres of 1641, most injured the Irish Roman Catholics was their rejection, under the direct injunctions of Rome, of a test of allegiance in the reign of Charles II. In 1666, an opportunity was offered to them similar to that which had been given to the English Roman Catholics by James I., of showing that their religion was not inconsistent with the safety of the State. Shortly after the Restoration, a movement was made in England for the relaxation of the Penal Laws. The King and the House of Lords were favourable to it, but the opportunity was lost by the dissensions which broke out among the Roman Catholics themselves respecting a disclaimer of the Pope's temporal power and an oath of allegiance. This movement encouraged the Irish clergy to petition the King for a mitigation of the laws which affected them. They were advised to incorporate in their petition a declaration of their sentiments respecting the obedience due from them to the Civil Government, and to profess their unqualified obedience to the King and their rejection of the deposing power. Some time was passed in discussing the matter, and, towards the end of 1661, the framing of the petition was entrusted to Richard Belling, formerly secretary to the Kilkenny Confederation. For this purpose Belling made use of a petition presented to Parliament about 1641 by the English Roman Catholics, which contained a full and explicit renunciation of the deposing and absolving powers.[2] From this document he extracted the protestation of allegiance, "word by word

[1] *History of Affairs in Ireland*, 1641-52, p. 632. Father Walsh also mentions and deplores the issue of this bull or brief. It is dated 25th May, 1643.

[2] This petition is in Cressy's *Exomologesis*, p. 72, ed. 1647. It was removed from the subsequent edition.

without any other change but of the application to the King instead of the Parliament and of Ireland instead of England,"[1] and inserted it in the Irish Petition or Remonstrance, as it came to be called from its title.[2] The Remonstrance contained nothing whatever against the faith of Roman Catholics, and is now acknowledged by all to be perfectly free from objection.[3] Like the oath of James, it merely disclaimed the Papal power of deposing the King and absolving his subjects from their allegiance, and declared it impious and against the word of God to maintain that any private person might kill his Prince, though of a different religion.

During the remainder of 1661 and throughout 1662, the Remonstrance was discussed both in public and private. A copy of it was sent to London, where many of the Irish nobility and gentry were assembled, the Act of Settlement being then under consideration. Several meetings were held by these laymen in consultation with eminent members of the English Roman Catholic nobility. Their English associates strongly advised the Irish to sign the copy, and asserted "that, were the case of the Irish theirs, they and all the rest of the English nobility and gentry of the Roman communion would willingly sign that Remonstrance *in terminis*, and even sign it with their blood, were this necessary."[4] After many meetings and eight weeks' debates the Remonstrance, with a few trifling changes to make it suitable for laymen, was signed by ninety-seven Irish noblemen and gentlemen, and presented to the King. The effect of this presentation was immediate. The Irish

[1] Walsh, *Hist. of the Irish Remonstrance*, p. 7.

[2] "The humble Remonstrance, Acknowledgment, Protestation and Petition of the Roman Catholic Clergy of Ireland."

[3] Throckmorton, *Letters to the Catholic Clergy*, p. 155.

[4] Walsh, p. 698.

Roman Catholics were at once allowed, by the express directions of Charles, to exercise their religion in freedom and peace.[1] The secular Roman Catholic clergy of England also highly approved of the Remonstrance, and declared to their Irish brethren that, if it were tendered to them, they would willingly sign it.[2]

The Roman See, carrying out its policy of maintaining its claims to the deposing power, and of forbidding a protestation to be made by Roman Catholics to a Protestant Sovereign, at once interfered to prevent the signature of the Remonstrance. The Nuncio at Brussels, to whom the superintendence of the Irish clergy was entrusted, wrote to several of them in 1662 against the Remonstrance, and many copies of his letter were dispersed with much diligence throughout the kingdom. "Your paternity hath desired from me what hath been resolved at Rome concerning the Declaration or Protestation beginning 'Your Majesty's faithful subjects' and ending 'prescribed by the law,'[3] presented to the most serene King of England and subscribed by some Irish ecclesiastics. Wherefore I thought I should very well satisfy your desires if I communicated to you what hath been written thereupon by command of our most Holy Lord. To wit, that after diligent discussion in several meetings of the most eminent cardinals and divines, that protestation hath been found, like the returning Hydra, to contain propositions agreeing with others heretofore condemned by the See Apostolic, particularly by Paul V. of happy memory by a constitution in form of a Brief, and lately in 1648 in a Congregation purposely held to that end by Innocent X. And hence it is that the most

[1] Expostulatory Letter of Eighteen Irish Priests (Walsh, p. 697).

[2] Letter of the English Dean and Chapter to the Bishop of Dromore (*Ib.*, p. 55).

[3] The first and last words of the Remonstrance.

Holy Lord hath thought no more necessary now but that this very thing should be declared, and commanded us to testify unto all this his mind, to the end it may appear publicly that the said Protestation and subscriptions added have not only not been approved by his Holiness, but not as much as permitted or even by connivance tolerated. Yea, that he has grievously resented that by the example of ecclesiastics the secular nobles of the foresaid kingdom of Ireland have been drawn into the same error, whose protestation and subscription he doth in like manner condemn according to the above form, and this to deliver the consciences of Catholics from the fraud and error wherewith they are circumvented."[1] In another letter of the same year the Nuncio repeated his condemnation of the Remonstrance,[2] and about the same time Cardinal Barberini wrote, in the name of the whole Congregation *de propaganda fide*, to the noblemen of Ireland condemning it as a violation of the Catholic Faith.[3]

As the prospect was held out to the Roman Catholics of Ireland of obtaining relief, it became desirable to know whether the Remonstrance represented the real opinions of their clergy on the question of allegiance to the State. If it did not, all further discussion was at an end, and the Government could only conclude that neither they nor the laity, over whom they exercised a dominant influence, were fit to be admitted to the full rights of citizens. To give an opportunity for a free and public debate on the subject of civil obedience, the Duke of Ormond, then Lord Lieutenant of Ireland, allowed a national Synod of that persuasion to be convened in Dublin.

To the meeting of this Synod the Court of Rome offered every opposition. In April, 1666, Cardinal Barberini wrote

[1] Walsh, p. 16. [2] *Ib.*, p. 514.
[3] *Ad Præstantes Viros Hiberniæ*, p. 17.

to the "clergy and Catholics of Ireland" as follows:— "Four years now are almost passed since our most holy Lord out of his love to you hath by my letters admonished you of dangers to your salvation which are impending from false brethren. And when he mightily desired to hear news of the snare broken and you delivered, behold, the sad tidings come of your having agreed amongst yourselves that a Congregation shall be held at Dublin on the third of the Ides of June, for deliberating on the point of subscribing that protestation, which, making show of the title of fidelity, asserts things contrary to the Catholic faith."[1] And in May of the same year, Rospigliosi, then the Papal Nuncio at Brussels, wrote to the "Bishops and Clergy of Ireland" denouncing the Remonstrance and declaring that their nation was in danger of contaminating the Catholic faith by a subscription to it.[2]

The Synod met on the 11th of June, 1666, and continued its sittings till the 25th of the same month. Overawed by the ascendency of Rome even in purely civil matters, its members refused to sign the Remonstrance, and drew up on the 16th of June, what they called "a Remonstrance and Protestation of their loyalty". This instrument contained no denial of the deposing power, nor any mention of the Pope's name, and when read by the light of the schoolmen's mode of interpretation, and of the rule of the canonists that the Pope is not referred to in any document in which he is not named, was evasive and offered no guarantee of their allegiance.[3] The Duke of Ormond refused to receive any protestation which did not contain an explicit disclaimer of the deposing and absolving powers, and the Synod was dissolved. Thus was lost to

[1] *Ad Præstantes Viros Hiberniæ*, p. 633. [2] *Ib.*, p. 634.

[3] Father Walsh, in his second treatise, shows how defective and evasive the Protestation of the Synod was.

the Roman Catholics of Ireland what Father Walsh truly calls "a fair opportunity of being not only eased of all their pressure from the Penal Statutes, but rendered as happy as they could in reason desire, or even wish, under a Protestant King and Government." [1]

It is unfair to the memory of the dead to rail against the Penal Laws without weighing carefully the causes which, in the judgment of their authors, rendered them necessary. We may be sure that the Englishmen, who faced Europe in defence of their country and of their religion, would not lightly have inflicted penalties on their fellow subjects. If the seditious doctrines connected with the Papal claims to depose princes had never been propagated in England, no such enactments would ever have been heard of in that country.[2] If these doctrines had never been taught in Ireland, if Papal invasions had not been despatched to the island, and if an irreclaimable disaffection to the English name had not been inculcated by the bulls and briefs of the Popes and by their ministers in the kingdom, no Penal Laws would ever have been enacted. The men who passed the Irish Penal Statutes were intelligent enough to know that such laws must diminish the wealth of the nation and the value of their own estates. It is inconceivable that laymen, a class generally free from theological odium, should have voted for such laws if they did not consider them necessary

[1] Address to the Roman Catholics of England, Ireland and Scotland, p. 27.

[2] "Had these men (the Roman Catholic clergy who retired to foreign schools) remained at home, patient of present evils, and submissive as far as might be to the laws . . . no jealousy would have been excited, and no penal statutes, we may now pronounce, would have entailed misfortunes upon them and their successors" (Rev. Joseph Berington). "Had these seminaries never existed, we had not heard of the seditious doctrines which I have mentioned, nor should we have been oppressed by the subsequent cruel laws enacted against our religion" (Sir John Throckmorton).

for their own preservation. They had nothing to gain by them. No property was by any of them taken from Roman Catholics and transferred to themselves. The Irish Parliament had granted not only toleration but political equality to the Roman Catholics before the Great Rebellion. Some new reasons must have arisen to alter their minds, and it is not difficult to point these reasons out. The immediate causes of the Irish Penal Laws, which were principally enacted in the reigns of William and Anne were: the rebellion and massacres of 1641; the refusal of the Roman Catholics of an oath of allegiance in 1666; the persecution and beggaring of the Protestants by Tirconnell; the cruel laws of the Jacobite Parliament of 1689, and the existence of an Irish army, "near 30,000"[1] strong, in the service of France and ready at a moment's notice to invade Ireland. Before Sarsfield left Ireland he issued a proclamation to his troops, declaring that they were going to France only to return as a conquering army.[2] It was this series of circumstances which led the Irish Parliament to adopt the opinion of the English Parliament, that the Irish were irreconcilable and that "the only way of securing that kingdom to the Crown of England was the putting it out of the power of the Irish again to rebel, gentle means having hitherto always proved ineffectual"[3]. An Irish Roman Catholic Bishop deposed in 1825 that "the connection of the Roman Catholics with the Stuarts was such as justified and even made it necessary for the English Government to pass some Penal Laws against the Catholics"[4]. The Bishop deplores their harshness, but whilst we acknowledge their severity let us ask ourselves

[1] This is the estimate of James II. Clarke's *Life*, ii., p. 465.

[2] Story, *Continuation*, p. 259.

[3] *Journals of the English Commons*, xi., p. 57.

[4] Evidence of Dr. Doyle, *Digest of Evidence*, p. 399.

one question. What would have been the fate under any other Government than the English of a body of Dissenters, who held that their chief pastor could depose their lawful sovereign and absolve themselves from their obedience, and who refused to give any guarantee of their allegiance. They would have been banished, as were the Protestants from Bohemia, Bavaria and Salzburg, or exterminated as was attempted in France in the case of the Huguenots. "What King in the world," say the Secular priests, ". . . would not make the best trial of them [his subjects] he could for his better satisfaction whom he might trust to? In which trial, if he found any that either should make doubtful answers, or peremptorily affirm that, as the case stood betwixt him and his enemies, they would leave him their Prince and take part with them; might he not justly repute them for traitors and deal with them accordingly? Sure we are that no king or prince in Christendom would like or tolerate such subjects within their dominions, if possibly they could be rid of them."[1]

[1] *Important Considerations.*

CHAPTER XI.

CONDITION OF IRELAND FOR MANY YEARS AFTER THE WAR OF THE REVOLUTION—POYNINGS' LAW—THE REVENUE OF IRELAND.

When the Williamite war was ended by the capitulation of Limerick in October, 1691, Ireland was in a deplorable condition. The island which only five years before had been "the most improved and improving spot of ground in Europe" had become a waste. As early as the end of 1688, Chief Justice Keating, a strong Jacobite, declared that the country was "a meer Acheldama and totally desart".[1] All the sources of its natural wealth had disappeared. Its manufacturers had been driven away. Its herds of cattle and flocks of sheep had been destroyed, and cultivation had ceased. Its principal towns, as Cork, Limerick, Derry, Athlone, Enniskillen and Kinsale, had suffered greatly from siege; and many of the smaller, as Omagh, Middleton, Doneraile and Rathcormack,[2] had been burnt by the Irish; while the country at large had been ravaged by the rapparees, the unpaid soldiery of Tirconnell, and the contending armies. The revenue, which had been farmed in 1678 for £300,000, amounted, for the period between June, 1690, and September, 1692, to little more than a third of that sum,[3] and in 1697 it became necessary

[1] Letter of Chief Justice Keating to Sir John Temple, 1688 (Appendix to King).

[2] *Commons' Journals*, ii., pp. 25, 81.

[3] Clarendon, *Sketch of the Revenue of Ireland*, p. 29.

to remit a large portion of the Crown quit rents, as much of the lands from which they issued had been returned as waste from Lady Day, 1692, to the same day in 1695.[1]

After the Elizabethan and Cromwellian conquests, Ireland had shown wonderful recuperative powers. But this recovery must be attributed not to the native race, but to the new colonies which arrived at the end of these wars. Ulster, which had been totally devastated during the Tyrone insurrection, and which was chiefly inhabited by pastoral families or communities, wandering up and down with their cattle,[2] became the settled home of a hardy and industrious race from Scotland and the border counties. The new possessors cleared the country of its dense forests, drained its bogs, built stone houses,[3] and commenced the work that has made that province the garden of Ireland, though its soil was then and long afterwards regarded as the poorest in the kingdom.[4] Subsequently to the plantation of Ulster, the adventurers and Cromwellian soldiers occupied Leinster, Munster, and a portion of the Northern

[1] Abstract of the arrears of quit rents in the four provinces, *Commons' Journals*, ii., pt. 2, pp. 22-28; 9 Will. III., c. 4; 2 Anne, c. 4, s. 6.

[2] "In 1652 the bulk of the inhabitants of our province continued to live as creaghts . . . according to their ancient but barbarous manner of life, having no fixed habitations, but wandering up and down with their families and substance. . . . In peaceable times the men of a sclocht or community of these herd-people lay at night in a circle round a fire among their women and children, hardly superior in outward appearance to the animals they herded with" (*Ulster Archæological Journal*, vi., p. 124).

[3] In the church of Coleraine there is a tablet to the memory of the wife of Edward Dodington, Captain of the Castle of Dungevin, in the county of Coleraine, now Londonderry County, "who there first built after the English fashion"—*qui ibi primus edificabat more Anglicano*. She died 1610.

[4] The rates at which Irish lands were to be assigned to the adventurers who advanced their money under the 17th of Charles I. were: 1,000 acres in Ulster, £200; in Connaught, £300; in Munster, £450; in Leinster, £600.

provinces. What they effected within a few years is known to us by the evidence of Lord Clarendon and Archdeacon Lynch, and by the great advance in the revenue. But nothing of this kind on a considerable scale took place at the end of the Williamite war. With the exception of a few French and Dutch Protestants, some reinforcements to the Northern Presbyterians, and a reduction in the number of Roman Catholics, things were as they had been before the war.

The outlook for Ireland at the commencement of the eighteenth century was well nigh desperate. A homogeneous people soon repaired the ravages of war, or famine, or both. But Ireland was very far from being homogeneous. Three communities, differing in religion and political principles, existed side by side in the island: the Episcopalians, then called Protestants, the Presbyterians and the Roman Catholics. It is only necessary to consider shortly the condition of each of these, to understand what elements of discord and animosity were at work.

The whole power and government of the country were in the hands of the Episcopalians, whose bishops exercised a very great political influence, and almost always formed the majority in the House of Lords. Previously to the cruel administration of Tirconnell, a large number of the Episcopal clergy had believed and preached the doctrine of passive obedience, and, on the arrival of King James, those of them who had not fled to England, prayed for his success, and denounced the conduct of the Northerns who resisted his authority. Four of the bishops attended the Jacobite Parliament of 1689,[1] and two persisted to the last in refusing to take the oath to the new government.[2] After the

[1] Dopping of Meath, Otway of Ossory, Digby of Limerick and Wetenhall of Cork.

[2] Sheridan of Kilmore, and Otway.

close of the war, and their own restoration to power, the bishops, many of whom were Jacobites at heart, resisted for seventy years the claims of the Presbyterians to be admitted to political equality.

The Presbyterians were a more warlike and a more vigorous class than the Episcopalians. All through the rebellion of 1641-1652, they had kept their settlements in the North clear from the rebels, and had inflicted a defeat on Owen Roe O'Neill in 1643.[1] Their defence of Derry against King James in 1689 was a feat of European importance. It enabled William to close the war much sooner than he otherwise could have done, and to send English forces to the aid of the Confederation against Louis XIV. During the life of William, the position of the Irish Presbyterians was almost the direct opposite of that of English Dissenters. In England, the worship of the Dissenter was legalised, but he was incapable of public office unless he qualified himself by taking the Sacrament according to the rites of the Established Church, as required by the Test Act. In Ireland, the Presbyterian was eligible to all public offices and to Parliament, but his worship and discipline were prohibited by law, though connived at in deference to the known sentiments of the King.[2] Early in the reign of Anne, 1703, a clause was inserted in the Act "to prevent the further growth of Popery," which extended the Sacramental test to Ireland. The effect of this clause was, to exclude the Presbyterians from all employment civil or military, from the magistracy, and from municipal offices in the corporate towns, though they still remained eligible to Parliament. This state of affairs lasted until five years after the accession of the House of Brunswick. In 1719 a law was passed enabling them to celebrate their worship

[1] Carte, i., p. 433.

[2] Reid, *History of the Presbyterian Church*, ii., p. 421.

without molestation,[1] but they continued to be incapable of public employment until 1780, when a Short Act[2] repealed the Test Clause, and admitted them to citizenship.

The action of the bishops—for it can scarcely be doubted that it was by their influence that the sacramental clause was added in England to an Irish Act against Popery—and their long continued opposition to the claims of the Presbyterians, in direct opposition to the wishes of the English Government, have naturally been attributed to their hatred of Nonconformist worship and church discipline. But this explanation, like so many others, leaves out some facts worthy of consideration. Perfect toleration and even endowment were granted by the Irish Parliament to the French and other foreign Protestants, whose worship and discipline differed very slightly from the Presbyterian.[3] It is clear that this could not have been done without the assent of the bishops. What chiefly influenced the bishops, was the known hostility of the Presbyterians to Episcopacy, and the contemporaneous conduct of their mother church in Scotland. In that country the Episcopal Church had been abolished in 1689, and many of its clergy "rabbled," that is, outraged in their persons and property, and expelled from their livings. At the time when the test was extended to Ireland, there was no toleration in Scotland for the Episcopal clergy. They were "frequently disturbed and interrupted in their religious assemblies, and their ministers prosecuted for reading the English service in their congregations, and for administering the Sacraments according to the form and manner prescribed in the Liturgy of the Church of England".[4] To put an end to this persecution, the Imperial Parliament

[1] 6 Geo. I., c. 5. [2] 19 & 20 Geo. III., c. 6.

[3] Reid, ii., p. 466.

[4] Words of the Act [10 Anne, c. 7, 1711] which granted toleration to the Episcopal Church in Scotland.

intervened, and, disregarding a remonstrance of the Scottish General Assembly, repealed an intolerant Act of the native legislature, and granted protection to the Episcopal Church.

The third component part of the population of Ireland consisted of the Roman Catholics. These are frequently spoken of as Celts, but this designation is far from being correct, as there was a very large infusion of English blood among them. Writing shortly before the restoration of Charles II., the author of *Cambrensis Eversus* speaks of this intermixture: "I adopt implicitly the opinion of Sir John Davis that, if the inhabitants of Ireland were now to be numbered man for man, those of English descent would be found to be more numerous than the old natives".[1] The condition of this class under the Penal Laws was lamentable. It is impossible to over-estimate the social and economical evils which resulted from these enactments. Their object was to reduce the Roman Catholics to political insignificance. To effect this, their whole community was disqualified for public or municipal office or employment, excluded from Parliament, deprived of the franchise, rendered incapable of purchasing land or accepting profitable leases, precluded from practising the two branches of the legal profession, and denied the perfect and undisturbed right of inheriting or bequeathing property. The effect of such laws on the peace, wealth and prosperity of the country was disastrous. The only thing which can be said for them is that the men who passed them had the best grounds for believing that they were necessary for their own preservation, and that they gave to Ireland the only century free from rebellion she has ever enjoyed. Whilst we deplore the effects of these laws, we must ever remember that they did not spring from a spirit of persecution. Grievous as was the condition of

[1] *Cambrensis Eversus*, edited by Kelly, iii., p. 145.

the Irish Roman Catholics, it was far superior to that of the professors of the reformed faith in Spain, or even in France, where the monarch was sworn at his coronation to exterminate the heretics in his dominions, and where the law absolutely forbade their worship, and bastardised their children; and this not from political fears but from religious motives.[1]

A hasty compiler[2] tells us that the loyalty of the Roman Catholics to the House of Brunswick during the eighteenth century was "unshaken". Nothing can be farther from the truth than this assertion. What was there to make them loyal, depressed and impoverished as they were? They had sucked in with their mother's milk hatred to the English Government, the result of the combative and political religion inculcated by the Popes and their ministers. To this feeling, the Penal Laws now added the belief that they were suffering for their faith. An immense mass of Irish popular songs, written to airs and intended to be sung, survives from the commencement of the eighteenth century, and discloses their wishes and aspirations. This literature may be divided into two classes. One, the earlier, is Jacobite and intensely anti-English, filled with longings for the advent of the Stuarts, aided by the French or Spanish King;[3] the other and later dates from about the death of the young Pretender in 1788, and is rather anti-English than Jacobite. It expresses exultation at every check, naval, military, or diplomatic given to the British Government, and

[1] At the accession of Louis XVI., Turgot endeavoured to have the clause which bound the king to exterminate heretics in his dominions removed from the coronation oath. His endeavour was successfully resisted by the French clergy (Tissot, *Life of Turgot*).

[2] Plowden.

[3] Yet we are told that the conduct of Charles II., James II., and Anne "had together destroyed all enthusiasm for the Stuarts" (Lecky, ii., p. 393).

shows a very remarkable knowledge of contemporaneous affairs in Europe and America.[1] If the word "subject" means a citizen attached to the Government of a country, and prepared to defend it, the Roman Catholics were not subjects but enemies of the existing Constitution. If they were so, what reasonable man can wonder at the fact? They were men of like passions and feelings with others; as was natural, they hated those whom they considered their oppressors, and turned to those whom they regarded as friends. How could it be otherwise? The fatal influence, which had reduced them from their happy state under Charles I., was still at work, alienating their minds from the Government of Great Britain and their King. As late as 1768, when it was proposed to offer them an oath of allegiance, perfectly free from objection, with the understanding, that if they took it the Penal Laws would be repealed, the Papal Nuncio at Brussels, Gheline, at once wrote to the four Irish Archbishops, warning them against the oath as unlawful. The reasons he gave will astonish a Roman Catholic of the present day. He declared that the clause in the proposed oath expressing detestation of the doctrine "that faith is not to be kept with heretics, and that Princes deprived by the Pope might be deposed and murdered by their subjects" was absolutely abominable. "To your erudition," he writes, "it must be known that this doctrine, which is asserted in the oath to be detestable, is defended and maintained by most Catholic nations, and has been often followed in practice by the Apostolic See. Wherefore it can by no means be declared detestable and

[1] Specimens of these songs may be seen in Hardiman's *Irish Minstrelsy*, O'Daly's *Poets and Poetry of Munster*, and in Walsh's *Reliques of Irish Jacobite Poetry*. A friend of the author, who is perhaps better acquainted with Irish literature and the Irish peasantry than any other man living, has collected upwards of 400 foolscap pages of these songs.

abominable by any Catholic without incurring the danger of stating a proposition, rash, false, scandalous, and injurious to the Holy See."[1] This letter was published in 1772 by De Burgo, titular Bishop of Ossory in the supplement to his *Hibernia Dominicana*, and was termed by him "a truly golden letter and worthy to be preserved in cedar."[2]

The proportion of the Roman Catholics to the Protestants of all denominations at the commencement of the eighteenth century was about two to one. In 1672 Petty estimated that they were to the Protestants as eight to three, but after the defeat of James II., and the failure of their hopes, many of them left Ireland for ever. In 1731 a return was made to the Irish House of Lords, by which it appeared, that the Protestants were 700,451, and the Roman Catholics 1,309,768. This estimate was accepted as correct by Newenham,[3] and by the Roman Catholic Bishop of Ossory, who was not likely to underrate the number of his co-religionists.[4] This proportion soon disappeared, owing to the rapid increase in the numbers of the Roman Catholics. Their poverty and low standard of comfort, the absence of a check arising from hopes of bettering their condition, the easy cultivation and the nourishing qualities of the potato, and their early marriages, led to such a multiplication of their numbers,

[1] The Nuncio states distinctly that the Roman Catholics were to expect a repeal of the Penal Laws provided they took the oath.

[2] *Hibernia Dominicana*, Supplement, p. 927. Mr. Lecky calls this bishop "illustrious," and his bulky volume a "great work". If he had read carefully the great work, he would hardly have praised a book which asserts that at the first siege of Limerick "at least a thousand" wounded and otherwise infirm soldiers were burnt alive by the order of William III. (*Hib. Dom.*, p. 144). The Roman Catholic Bishops of Munster, assembled at Thurles in July, 1775, condemned this great book (Butler's *English Catholics*, iii., p. 448).

[3] *Inquiry into the Population of Ireland*, p. 93.

[4] *Hibernia Dominicana*, p. 28.

that at the end of the century they were to the Protestants as four to one.

The government of this distracted country was in the hands of the Dublin Parliament, which consisted almost exclusively of members of the Established Church. The Presbyterians scarcely ever amounted to more than one thirtieth of that assembly. Archbishop King, writing in 1696, says there were hardly ten Dissenters in the House at that time. At the end of Anne's reign there were but four; and in 1716 only six.[1] The paucity of large land owners among them, and their exclusion from public employment, and from offices in the hundred and eighteen boroughs which studded the country, practically shut them out of Parliament, and that Assembly, up to 1780 and for some years later, must be considered as almost wholly Episcopalian.

The Dublin Parliament bore to that of England the same resemblance that a hot-house plant bears to the oak of the forest. The English Parliament was a spontaneous production of its native soil, and its position was the slow growth of ages. From a Council it had developed into a supreme assembly, dictating the policy of a great and independent empire. For centuries it had struggled against the kingly power, and in the struggle had gathered increase of strength. In the great civil war it struck down the most ancient monarchy in Europe. In 1688-9 it broke the line of hereditary succession, and bestowed the crown on a stranger. Rooted in the affections of the people which it represented, it was able to defend itself against all adversaries, foreign or domestic. Nothing of this kind could be said of the Parliament in Ireland. It was a feeble exotic, planted by the hand of England. Previous to the accession of James I. it was a mere provincial

[1] Killin, *Ecclesiastical History*, ii., p. 191.

assembly made up of a few persons from the counties and towns within the Pale or adjacent to it, and it was not until 1613 that it assumed the appearance of representing the whole country. At the time we are speaking of, it did not represent the nation, but a single class only. Without the protection of England, it could not have maintained itself twenty-four hours against its domestic foes, as was shown by the rebellions of 1641 and 1688. There was not a member of it who did not owe his position and all he possessed to the intervention of England, which had spent her blood and ten millions of her treasures to restore thankless exiles. Independent, in the true sense of that word, neither Ireland nor her Parliament could ever be. To speak of the independence of a small island which had not a vessel of war, and lay open to every invader, was absurd, but for a small community in such an island, surrounded by enemies against whom it was not able to defend itself, to claim independence was political insanity. The policy which the Episcopalian colony and its Parliament should have adopted was to administer the kingdom in concert with the protecting power, and to give to the mother country a permanent and commanding influence in their councils. This was not the view of the Dublin Parliament. From its first meeting after the Revolution we find it setting itself up as the equal of the English Parliament, thus illustrating the fable of the frog and the ox; quarrelling with the law under which it was convened; demanding a Habeas Corpus Act, though no complaints had ever been made of the non-issue by the judges of the common law Habeas Corpus; insisting on a Mutiny Act of its own, thus endangering the unity of regulation so necessary in an army, though it had refused one when offered to it;[1]

[1] *Parliamentary History*, xxi., p. 1,305.

encroaching on the prerogative of the Crown and disputing its right—a right never questioned in England or Great Britain—to move troops where they were most wanted for the defence of the empire; keeping open the sore of the pension list, when it might have closed it for ever by a vote diminishing the supplies by an equal amount; refusing an Act imposing taxes on absentees, because it came from England; and squandering the resources of a poor country to prevent an increase in the King's hereditary revenue, and thus maintain its own consequences. These were the matters, and not the improvement of the country entrusted to their care, which chiefly occupied the time of the Irish Parliament from 1692 to 1782. "It may be observed," says Newenham, "that in eight years there passed in England no less than 1,124 Acts for bridges, roads, canals, harbours, draining, enclosing, paving, etc., which was ten times more than all the Acts for internal improvement, encouragement of industry, advancement of trade, or support of manufactures, that passed in Ireland from the Revolution to the establishment of Irish national independence, being a period of near one hundred years; and of these a great many were illusive, nugatory and inefficient."[1] During all these years, with the exception of short intervals of peace, England or Great Britain was engaged in wars for self-defence, or for the consolidation and extension of her empire, and therefore unable to give much attention to the small colony which was a thorn in her side. The Dublin Parliament took but little thought of the difficulties of the mother country, upon whose safety its own existence depended. Instead of offering affectionate sympathy and steady support, it was perpetually wrangling with her about matters which, it

[1] *A View of the National, Political, and Commercial Circumstances of Ireland*, p. 157.

considered, affected its dignity. Incapable of understanding its true position, and nourishing a diseased suspicion of Great Britain, which soon degenerated into positive antipathy, it attributed the effects of its own mismanagement to the shortcomings of the Imperial Government. This doctrine, preached with parliamentary eloquence, spread and inflamed the small and privileged community, which alone was represented. Finally, this Parliament, seizing the opportunity when Great Britain was fighting for her life against France, Spain, Holland and America, and, showing the point of the sword under the cloak of constitutional agitation, demanded an independence which differed from separation only by the frail tie of the union of the Executives. There were but two ways of dealing with this wayward and impracticable Assembly: to abolish it altogether or to obtain peace by securing subordination by the purchase of venal votes. Is it any wonder that Great Britain, burdened and harassed as she was, and fearing the addition of a domestic to her other difficulties, adopted the milder expedient?[1]

The Irish school of writers, for the purpose of fixing all the evils which afflicted the country on the Government of Great Britain, represent this Parliament as being in complete subordination to English influence.[2] There never was a greater mistake. It was wilful and headstrong to the last degree. Within five years from its restoration it rejected an Act for the security of the King's person and government, to the great indignation of England, where the proceeding was regarded as disloyal, and endeavoured to nullify the Act under which it was convoked. For seventy

[1] "As these things are managed now, Government is forced to buy, at a great expense, the concurrence of an Irish Parliament to what is really necessary" (Arthur Young, ii., p. 250, ed. 1892).

[2] Lecky, ii., p. 223.

years it resisted all the efforts of the Imperial Government to obtain political equality for the Presbyterians. It compelled the King to withdraw his patent, and to give up an undoubted prerogative. Contrary to the wishes of the Government, it threw the whole of the immense bounty granted on the carriage of corn to Dublin by land, canal, or coastways, on the hereditary revenue; and rejected a bill for the application of a surplus to the payment of the national debt, because the King's consent was mentioned in it. How anyone, however slightly acquainted with the proceedings of the Irish Parliament from 1692 to 1782 can say that it was subordinate to English influence, passes comprehension.

Before we proceed farther, it is necessary to understand thoroughly the law which regulated the meetings and constitution of the Dublin Parliament, and also the nature of the Irish revenue.

Poynings' law was, at the time of its enactment and long afterwards, one of the most popular ever passed in Ireland. It was made, as it declares, "at the request of the Commons of that land". Prior to its passing, the power of the Lords Lieutenants and their Deputies was exorbitant. They possessed the prerogative of giving their consent to laws without that of the King. They called parliaments at their pleasure, sometimes after an interval of only a few months, and oppressed the subject with repeated exactions. The enactments of former Governors were not considered of the least validity when a rival succeeded. What had been passed in one Parliament was rescinded in another, and the partiality or revenge of a ruling faction dictated laws or imposed taxes. Poynings' Act was an attempt of the Dublin Parliament to connect itself more closely with the English Government, and to prevent a Lieutenant or Deputy from passing laws from interested motives. The

treason of a Viceroy had often involved the subjects in severe and general punishment. Shortly before its enactment, Lambert Simnel had been crowned King at Dublin with the connivance of the Deputy, Kildare. A Parliament had been convened in the name and by the authority of the Pretender, in which laws were passed and taxes imposed. It was to protect the King on the one side and the Irish subject on the other, that this law was made. Far from being considered a restriction, it was looked upon as a safeguard, and no law was ever more popular.[1] Its object was to prevent the calling of a Parliament except on such occasions as the Lord Lieutenant and his Council should see some good cause that should be approved by the King. It provided that no Parliament should be convened until all laws, intended to be passed in it, should have been certified under the Great Seal of Ireland, and returned by the King with his license under the Great Seal of England. But doubts on the interpretation of the Act soon arose; among others, whether, when the Parliament was sitting, the Lords and Commons had the right of proposing other bills, or whether they were restrained to those certified and returned. These doubts were settled by an Act of Philip and Mary,[2] which provided that, as many causes and considerations for bills, not foreseen, might happen during the sitting of Parliament, the Chief Governor and his Council might certify these also. But it declared at the same time, that the King and Council of England should have power to alter the bills so transmitted, and that none but such as were returned under the great seal of England should be

[1] "Do we understand its meaning better than the people in whose days it was passed, or they who succeeded for an hundred years after? By them it was considered as a boon and a favour" (Flood, *Parl. Debates*, i., p. 152).

[2] 3 & 4 Philip and Mary, c. 4. "An Act declaring how Ponings acte shall be exponed and taken."

enacted. This settlement gave universal satisfaction. In the reign of Elizabeth, the English government frequently contended for a suspension of Poynings' law, but the Dublin Commons were alarmed at the proposals and successfully resisted them. They dreaded the power of a viceroy, supported by a Parliament composed of his own creatures, and considered a strict adherence to the law as the best security of the subject. In the evil days which intervened between the departure of Strafford and the Great Rebellion of 1641, the Dublin Parliament claimed and established the right of preparing what were called Heads of Bills, that is, suggestions to be presented to the Lord-Lieutenant and Council, for the purpose of being drawn up into Bills, if approved of, and transmitted to England. After the Revolution, the Commons attempted to act in contravention of this law, but being foiled, waived any further opposition to it for nearly eighty years. A more subtle attack on it was made during Lord Hertford's administration, 1765-67. Mr. Pery moved and carried a resolution for expunging from the *Commons' Journals* a plain acknowledgment of the law and practice as settled by Poynings' Act, which the Commons had made in the reign of James I., when the Irish Parliament first assumed its modern form. This ran as follows: "The House of Commons, acknowledging that the sole power and authority to transmit such Bills as are to be propounded in Parliament doth rest in the Lord-Deputy and Council, do only desire to be as remembrancers unto his Lordship and the rest touching the Acts, which they humbly offer as meet to be transmitted with such other Acts as his Lordship, etc., shall think fit to be propounded in the next Parliament." The Speaker, Ponsonby, seeing the tendency of this motion, with great difficulty got the whole proceeding cancelled, and the entry of it on the votes to be declared an error of the

clerk.[1] From what has been said it will appear that the mode of legislation in Ireland was the direct reverse of that in England. In England the propositions came from the Houses of Parliament, and the negative was in the Crown. In Ireland the propositions came from the Crown, and the negative was in the Houses.[2] We shall afterwards see how Poynings' law was modified on the establishment of Irish independence in 1782.

The revenue of Ireland was divided into three branches: the King's Hereditary revenue, the Additional duties, and the Appropriated duties.

The Hereditary revenue obtained its name from being vested in the King and his successors. It was made up of the ancient patrimony of the Crown, and of the duties and taxes granted to Charles II. and his successors by Parliament, in exchange for branches of the inherent revenue of the Crown that were found grievous to the subject, as Wardship, Feudal tenures etc., or in return for forfeitures which arose to the Crown. These latter were, at the time of the Restoration, very extensive, but owing to the contentions which resulted from the variety of interests, and to the distracted state of the property of the nation, the King, to obtain a permanent revenue, and as a foundation for the settlement of the country, agreed to resign all his forfeitures. In return for which, he received a confirmation and enlargement of the duties of tonnage and poundage which had been originally settled on Henry VII., and his

[1] "An Account of Ireland," by Sir George Macartney. This is to be found in his *Life*, by Barrow. Sir George, afterwards Lord Macartney, was Chief Secretary for Ireland in 1769.

[2] The learning on the subject of Poynings' law previous to 1782 is to be found in Sullivan's *Treatise on the Feudal Law*, etc., pp. 239-43; Howard's *Revenue of Ireland*, ii., pp. 233-36; and the Appendix to the second volume of *Leland*. Sullivan was a Fellow of Trinity College, Dublin, and Regius Professor of Common Law in the University. His treatise was published in 1772.

heirs in the year 1500, and of various others: the whole coming under the heads of customs, inwards and outwards, inland and imported excise, fines, seizures, licences for selling beer, ales, and strong waters, quit rents, and hearth money.[1]

The Additional duties were granted by Parliament generally for two years certain, as further supplies, and in aid of the Hereditary revenue for the support of his Majesty's government. They were never granted until a statement of the disposition of the King's Hereditary revenue had been laid before the Parliament, and the Committee of Accounts, which was a committee of the whole House, had brought in their report on the national finances, as a direction for the discretion of the Commons in their grants.[2] On the accession of George II., in 1727, these Additional duties, which were equal to about a third of the Hereditary revenue, were granted to the same amount at which they continued for forty years.[3]

The Appropriated duties were imposed for certain particular purposes to which they were specially allocated by Parliament at the time of granting them; such as the loan, tillage, linen manufacture, Dundalk cambric manufactory, the Charter Schools and Lagan navigation.

The Hereditary revenue, if properly managed, would have been sufficient in times of peace to answer all the necessary charges of the State. During the whole reign of Charles II. it was more than sufficient for this purpose, and

[1] Clarendon, *Revenue and Finances of Ireland*, 1791, p. 7; Howard, *Revenue of Ireland*, i., p. 29.

[2] This system dates from 1692, when Additional duties were first granted. In this year a motion was carried that such a statement should be made, "that it may the better be known what supplies are necessary to be given to their Majesties" (*Commons' Journals*, ii., p. 16).

[3] Macartney, *Account of Ireland*. "No new duties have been laid upon this kingdom since the year 1727, which is now nearly forty years ago" (Caldwell's *Debates*, ii., p. 537).

it was not until 1692 that any Additional duties were voted. It has been stated that this portion of the revenue was entirely beyond the control of the Dublin Parliament,[1] but it would be difficult to frame a more misleading statement. No object was kept more steadily in view by that Parliament than to diminish the resources of the Crown, in order to place it under the necessity of asking supplies. This they effected in two ways. They connived at abuses in the collection of the revenue, and pared down the hereditary revenue by placing on it grants of their own. Of the former there is no doubt, for this policy was recognised and praised by Grattan and Mr. Burgh in the debate of the 12th of August, 1785, Grattan even terming it one of the pillars of the Irish Constitution.[2] Of the latter, an example may be here given. In 1757, the Irish Parliament threw the whole of the enormous bounty for the carriage of corn to Dublin on the Hereditary revenue, a diminution which amounted in thirty-seven years to the sum of £1,917,770, or an average of more than £51,000 a year.[3] The manner in which the Parliament accomplished this was very remarkable. They seized the revenue *in transitu* to the Treasury, and made the bounty payable by the Collector of the port of Dublin before he had accounted for his receipts.[4] Though the Government opposed this imposition, and even offered to grant the bounty for a term of years, nothing would satisfy the Parliament but a perpetuity.[5] Nor was this a single case; several other bounties were imposed in the same manner by Parliament, and also the whole expense of collecting and managing the revenue. These facts

[1] "Of the revenue of the country, the larger part was entirely beyond the control of Parliament" (Lecky, ii., p. 223).

[2] Woodfall, *Debates on the Commercial Proposition*, xxxvi., p. 54.

[3] Newenham, *View of Ireland*, Appendix, No. 5.

[4] 31 Geo. II., c. 3. Macartney's *Account of Ireland.*

[5] Macartney's *Account of Ireland.*

furnish a striking commentary on the allegations that the Dublin Parliament was subordinate to English influence, and that the hereditary revenue was entirely beyond its control.

The collection of the Irish revenue during the whole of the eighteenth century was a public scandal. Newenham tells us that an inveterate and complicated system of fraud, collusion, and peculation always distinguished Ireland, and pervaded every department in it, and that no assembly authorised to raise money, from the House of Commons to the Vestry, was exempt from the practice of jobbery.[1] In this universal corruption, the revenue could not escape, and the cost of collecting it can only be explained by a systematised plan of spoliation. The gross produce of the revenue of Great Britain in 1778 was collected for $7\frac{1}{2}$ per cent.; that of Ireland was collected for £17 6s. 8d. per cent., or three shillings and sevenpence in the pound; the stamp duties of Great Britain in 1788 were collected for $3\frac{1}{2}$ per cent., those of Ireland cost about 18 per cent.; the land tax in England cost under 3 per cent, the hearth money in Ireland was collected at an expense of 16 per cent.[2] The duties arising from malt and home-made spirits had long formed one of the principal branches of the Irish revenue. Sir Richard Cox, a commissioner of the revenue who died before 1776, often declared that not more than a third of the excise, which might have been collected, was collected, and that this system had prevailed for many years.[3] Howard, who published his work on the Irish revenue in 1776, says that, if the revenue officers had done their duty, not one half of the Additional taxes would have been

[1] *View of Ireland*, xxxiii., p. 226. "Even among the charitable institutions," he says, "the practice of jobbing has been conspicuous."

[2] Clarendon, *Revenue and Finances of Ireland*, pp. 147-8.

[3] Howard, *Revenue of Ireland*, Preface.

required, and complains that of all civilised nations Ireland had the worst executed laws. So late as 1800, it appeared in evidence before a committee appointed to inquire into the scarcity of provisions, that public stills did more illicit work than private clandestine stills, that not more than one half of the malt duties, and not one half of the spirit duties was collected.[1] An intelligent writer in the same year estimated that, if attention were given to the collection of these duties, they might easily be increased by £200,000 a year; and that if smuggling were stopped, the nation would gain a million a year.[2] But the waste of the revenue did not satisfy the Dublin Parliament. We shall see, in a subsequent chapter, that they themselves inaugurated a system of jobbery, merely for the purpose of dissipating the national resources.

Adam Smith was of opinion that Ireland was bound to contribute towards the discharge of the debt of Great Britain, inasmuch as it had been contracted not only for the defence of Great Britain, but of all the different provinces of the empire. Ireland did not even contribute to the support of the navy, except on one occasion, when, in the short-lived gratitude for the grant of independence in 1782, she promised a sum of £100,000 for the raising of 20,000 additional sailors. Of this sum only a half was given, and 7,000 men raised.[3] It was not until the war of 1756 that she contributed anything to the general defence of the empire. "This long and expensive war, which terminated in 1763," says Clarendon, "was the first in which Ireland was called upon for a contribution. Former

[1] Newenham, *View*, etc., p. 284.

[2] *Facts and Arguments Respecting Inland Navigation.* 1800, Dublin.

[3] Of this sum, £53,600, odd shillings, was appropriated to raising men for the navy, and £46,399 was placed to the credit of the nation (*Irish Debates*, ii., p. 296. *Commons' Journals*, xi., p. 157). As to the number of men raised, see *Irish Debates*, ii., p. 93.

wars only required that Ireland should protect herself; the war of 1756 demanded supplies for protecting the empire at large."[1] When this contribution was asked, the revenue of the island was in an extraordinarily prosperous condition. In 1755, the accumulation in the Treasury was so great that the Committee of Accounts voted the amount of the surplus to be no less than £471,404.[2] A marvellous surplus, when we remember that for nearly thirty years there had been no increase of taxation.

[1] *Revenue and Finances of Ireland*, p. 106. *Commercial Restrictions*, p. 46.

[2] *Ib.*, p. 102.

CHAPTER XII.

THE FIRST TWO PARLIAMENTS AFTER THE REVOLUTION. THE ALLEGED SUPPRESSION OF THE IRISH WOOLLEN MANUFACTURE.

THE first Parliament in Ireland after the Revolution met on the 5th of October, 1692. It had been summoned under and in the manner required by Poynings' law. Its earliest enactment,[1] following a former statute,[2] proclaimed "that this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and statutes of this kingdom is declared to be justly and rightfully depending upon, and belonging, and for ever united to the same". This would appear to a reasonable man to be a full and explicit acknowledgment of the subordination of Ireland. But the members of the Dublin Parliament interpreted these words in a manner peculiar to themselves. They maintained that their kingdom was dependent on the King of England alone, but they would not own the right of the Imperial Parliament to bind Ireland by its laws, and wished to exclude the English Lords and Commons from all interference with it. They had just been rescued from exile and beggary by English forces and English money; they were unable to defend themselves either against a foreign enemy, or the

[1] 4 Will. and Mary, c. 1.

[2] 28 Henry VIII., c. 6. The words of this Irish Statute are remarkable. "For as much as this land of Ireland is the King's proper dominion of England, and united, knit, and belonging to the Imperial Crown of the said realm." (See also, 33 Hen. VIII., c. 1.)

Irish Roman Catholics among whom they lived; their personal safety, and everything they possessed, they owed to the protection of England; yet they claimed independence of the Legislature of that country, though they admitted their dependence on its King. They confessed that Ireland had been conquered by the sovereign of England, or, as they expressed it, that he had delivered the kingdom from the calamities of intestine war, and restored themselves to their laws and liberties, but they claimed to be dependent only on him; as if a King of England, at the head of an English army paid by English money, could conquer for himself and not for the nation of which he was the representative. Clamour cannot alter the nature of things. England had just conquered Ireland for the third time. It was hers by the law of nations. It did not lie in the mouths of her own children to dictate the manner or the terms on which she was to hold it It was her right, and hers alone, to determine what powers of management she would entrust to an Assembly which did not represent a fourth of the inhabitants of the island. She might, with perfect justice, have given that management to any one of the three communities which dwelt in the country which she had purchased with her blood and treasures. The members of the small Episcopalian Parliament, for the Presbyterians in it were so few that they need not be mentioned, had contributed nothing to the recent conquest. At the first appearance of danger they had fled, and found a refuge in the mother country, where they had been fed upon her alms. "The only refuge we had to fly to," says the advocate of the claims of the Dublin Parliament, "was in England, where multitudes continued for many months destitute of all manner of relief but such as the charity of England afforded, which indeed was very munificent and never to be forgotten".[1] England was perfectly

[1] Molyneux, *Case of Ireland*, etc., p. 40, edit. 1782.

willing to continue the old order of things which had prevailed before the Revolution, but she would not allow her supremacy to be questioned by a small colony in a disaffected country. From time immemorial and the landing of Henry II., she had exercised her right of binding Ireland by her laws, and the right had never been disputed for upwards of 400 years save on one occasion, when Richard of York, who was attainted in England, pretended to be the Lieutenant of the kingdom and convened a Parliament,[1] which declared itself independent. The claim of the Dublin Parliament to be independent had no foundation either in custom or law, but it appears in all its absurdity when we remember that, at the time it was now advanced, the constitution of that Parliament and its limitation to Protestants exclusively was regulated by an English Act,[2] and that by Irish law the English Parliament possessed the right of bestowing the Crown of Ireland upon whom it pleased.[3]

After the Parliament had been opened, two Bills of Supply, which had been certified as usual by the Lord-Lieutenant and his Council to England, and from thence returned under the Great Seal, were laid before it. One of these was for an "additional excise," the other "for

[1] The Irish Act, 10 Henry VII., c. 3, thus speaks of Richard of York: "Richard, Duke of York, there being in rebellion and pretending himself lieutenant of that land."

[2] 3 Will. and Mary, c. 2. The Irish Parliament acted upon this statute, thus acknowledging the right of the English Parliament to bind Ireland.

[3] The Irish statute, 33 Hen. VIII., c. 1, enacted that the kings of England should always be kings of Ireland. Consequently a king of England, whether by descent or otherwise, is immediately king of Ireland, and his title requires no sanction from an Irish statute. When the English Parliament disposed of the English crown, it likewise disposed of the Irish crown. When William III. was acknowledged as king of England, the Irish Parliament, by the Act of Recognition, admitted that the crown of Ireland followed the grant of that of England, and that his title did not require the sanction of an Irish Act.

granting to their Majesties certain duties for one year". While these bills were before the Commons, they passed the following resolutions: (1) That it was and is the undoubted right of the Commons of Ireland, in Parliament assembled, to prepare the ways and means of raising money; and (2) that it was and is the sole and undoubted right of the Commons to prepare heads of a bill for raising money.[1] Though these bills had originated exactly in the same way, the Commons passed the former and rejected the latter, and they ordered the reason of its being rejected, *viz.*, that it had not taken its rise in their House, to be entered in their *Journals*. In other words, of two money bills perfectly similar in every respect, they passed one, though it did not take its rise in their House, and rejected the other because it had not taken its rise there. The Lord-Lieutenant, Sidney, believing that the Commons had entrenched upon the prerogative of the Crown by affirming that it was their sole right to originate money bills, and by rejecting one on the ground that it had not taken its rise in their House, prorogued the Parliament, having first entered his protest against these invasions of the prerogative.

Immediately after the prorogation, Sidney laid the Irish Acts relating to the holding of Parliaments and the passing of laws in Ireland before the judges of that country for their consideration. They reported (1) that it is not the sole and undoubted right of the Commons in Ireland, in Parliament assembled, to prepare heads of bills for raising money, and (2) that the Chief Governor and Council may prepare bills for raising money, and may certify and transmit the same to their Majesties and the Council of England, to be returned under the

[1] *Commons' Journals*, ii., p. 28.

great seal of England, and afterwards sent to the Commons, although the heads of such bills had not their first rise in the House of Commons.[1] The twelve judges of England delivered the same opinion.[2] The Commons appear to have acquiesced, for the time at least, in the unanimous opinion of the Irish and English judges, for they did not again put forward this claim for nearly eighty years. In the next Parliament, which met in 1695, the Lord Deputy, Capel, in his speech acquainted the House that his Majesty had sent over a bill for an additional excise. This money bill was passed within a few days without objection, and was sent to the Lords for their concurrence, the Commons thus making a full and unanimous recognition of Poynings' law, which only three years before had been questioned in their House. The practice of passing transmitted money bills continued uniformly from 1695 to the viceroyalty of Lord Townshend in 1769. At the commencement of the new Parliaments in 1703, 1713, 1727 and 1761 a transmitted Bill of some sort was always immediately read to validate their existence under Poynings' law, and a transmitted money bill was invariably read and passed in a short time afterwards.[3]

In the years 1696-8 grave symptoms of disagreement between the English and Dublin Parliaments manifested themselves. In 1696, the English Parliament, in consequence of the plot to assassinate King William, passed an Act for the better security of the King's person and government.[4] An association, encouraged by the Act, was formed, the members of which declared that they would mutually

[1] Sir George Macartney, *Account of Ireland.* [2] *Ib.*

[3] *Ib.* Yet Mr. Lecky informs us [iv., 387] "Money bills, that took their rise or were materially modified in England, were almost always rejected".

[4] 7 & 8 Will. III., i. p. 27.

assist each other in the defence of the King's person and government against the late king, James II., and his adherents. The movement was essentially national, and the English people, who had been roused by the project of an invasion and of the concurrent assassination of William, rallied round the throne. For the purpose of uniting the Parliament of Ireland in the common impulse, a bill, similar to the English Act, was sent over to that country. It was twice rejected by the Irish Parliament, and that body refused to join in a proceeding which was then considered necessary for the security of the empire.

In 1698, a bill was transmitted from Ireland to England assuming to re-enact, with some alterations, an English Act relating to Ireland, and styling the crown of Ireland an Imperial crown.[1] This was an intimation from the Irish Parliament that it did not consider English Acts, referring to Ireland, to possess any authority there, unless re-enacted in that country. In the same year, William Molyneux, member for the University of Dublin, published a book asserting that Ireland was not bound by English laws, unless accepted and re-enacted in the Parliament of Ireland.[2] This challenge was really the revival of a doctrine which had been put forward by armed rebels in their Remonstrance at Trim during the rebellion of 1641.[3] The

[1] Lord Clare's Speech, 10th Feb., 1800.

[2] *The Case of Ireland's being bound by Acts of Parliament made in England stated.*

[3] "That whereas this your Majesty's Kingdom of Ireland in all successions of ages since the reign of King Henry the Second . . . had Parliaments of their own, composed of Lords and Commons, in the same manner and form, qualified with equal liberties, powers, privileges, and immunities with the Parliament of England, and only dependent of the King and Crown of England and Ireland; and for all that time no prevalent record or authentic precedent can be found that any statute made in England could or did bind this Kingdom before the same were here established by Parliament" (*History of the Confederation and War in Ireland*, ii., p. 238). This statement was absolutely groundless.

English Commons at once took up the matter. They were perfectly willing to allow to the Irish Parliament the internal legislation of their country, but they would not suffer any interference with the connection between the two kingdoms as it then stood. They presented an address to the King, pointing out the dangerous tendencies of the assertions in Molyneux's book[1] and of the proceedings of the Irish Parliament, and offering their concurrence and assistance in maintaining the dependence and subordination of Ireland to the Crown of England. To this address the King replied that he would take care that what was complained of should be prevented and redressed, as the Commons desired.[2]

The expression "the Imperial Crown of Ireland" deserves our attention, for it furnishes us with a key to the conduct of the Dublin Parliament during the whole of the eighteenth century. The members of this Parliament, which did not represent a fourth of the population of the island, and which was powerless to defend itself against the majority of that population, desired their Assembly to be considered independent and of equal rank with the Imperial Parliament. The folly of this ambition can only be understood if we consider the position in which Ireland then was. She did

[1] If this little book had not represented the wishes of the Dublin Parliament, it never would have been heard of. The arguments in it are based principally on two statements, both equally unfounded. In the face of the three conquests of Ireland by Elizabeth, Cromwell and William, Molyneux asserted that Ireland had never been conquered by England; and that Henry II. had granted Ireland to his son John, "as an absolute separate kingdom". The author makes a confession wholly inconsistent with his teaching. He tells us that when he and other exiles were in London, they applied to the English Parliament, and obtained from it, an Act binding Ireland, *viz.*, 1 Will. and Mary, sess. 2., c. 9. In 1782, an edition of this treatise was published in Dublin at the low price of sixpence halfpenny, but the passage expressing the author's desire for a Legislative Union was suppressed.

[2] *Parliamentary History*, v., p. 1,182.

not possess one of the qualities which go to make an independent nation. She was torn to pieces by religious and political dissensions; she was not recognised as a nation by any of the European powers; she could not commission an ambassador or envoy to any foreign country; she was bound by an English declaration of war or the conclusion of a peace; her ships sailed under the English flag, and her commerce and shores were protected by the English navy. Her Parliament, by her own laws, could not pass an Act without the assent of an English Council, and the Minister who advised the King to consent to an Irish statute, was impeachable for his conduct in the English Parliament. Five years before, the men who were now talking of the Imperial crown of Ireland, had declared in one of their own statutes, that that crown was "justly and rightfully depending upon" the crown of England. They knew that their courts of law had been from time beyond the memory of man subject to the decisions of an English Court, which was itself subordinate to the English Parliament; and that their own position as members of the Dublin Legislature depended upon an English Act. If England had opened, as in her discretion she had closed, the Irish Parliament to Roman Catholics, the Protestant members would soon have recognised their helpless condition, and would have preached subordination far more eagerly than they now sought to free themselves from English control.

The indignation of the English Commons, their address to the King, and his gracious reception of it, alarmed for a short time the Protestant gentry of Ireland. To encroach silently, to amplify their powers and jurisdiction inch by inch, is a common characteristic of all subordinate Parliaments, but to alienate or quarrel with their only protector was a very different thing. When a new Parliament met in 1703, the Commons hastened to express their repentance.

They voted an address to the Queen, protesting against the suspicion that they wished to make Ireland independent, and declaring their entire conviction that their welfare depended on the maintenance of the connection with England. But this humble spirit soon passed away, and they requested that their country should be treated as an independent kingdom. In 1702, commissioners had been appointed by the Parliaments of England and Scotland to negotiate a union between the two countries. Scotland was in a very different position from that which Ireland occupied. Scotland was an independent kingdom, with a crown of her own, and laws different from those of England. Ireland was not an independent kingdom; she was bound by English laws, her crown was depending on and for ever annexed to that of England; and the English Parliament had just rebuked her Parliament for venturing to claim legislative independence. In spite of the subordinate position of Ireland, her Lords and Commons in October, 1703, addressed the Queen, praying her to concede a union with England,[1] thus implying that their country was in the same position as Scotland.

In 1707, the Irish Lords and Commons returned to this matter,[2] but their advances were coldly received by the Queen and her ministers, who were wise enough to understand what the Irish proposals really meant, namely—that their country should be treated as an equal, as independent Scotland was treated.

We are now come to a transaction which has been so generally misapprehended, and made the subject of so much declamation, that it requires courage to approach it; namely, the compact between England and Ireland, by which the latter

[1] For the Commons' Address, see *Froude*, i., pp. 334-336. For the Resolution of the Lords, see *Lords' Journals*, ii., p. 29.

[2] *Commons' Journals*, 9th July, 1707. *Lords' Journals*, ii., p. 161.

country agreed to give up the exportation of her manufactured wool in return for the encouragement of her linen trade. Successive writers, without examination, have taken as their sole authority a treatise written by an Irish politician, who knew but little of the wool or woollen trade of Ireland, or, if he did know anything of it, carefully concealed his knowledge.[1] That such a compact was made between England and Ireland in 1698 is admitted by this writer, and his statement is confirmed by the author of *Memoirs of Wool*, by Foster, by Lord North, by Newenham, and by Arthur Young. The Irish Commons themselves regarded it as such, for in an address in 1703 they referred to it. In that year they petitioned the Queen that Irish linen might be admitted into the plantations, "that your Majesty's subjects of this kingdom may have liberty of exporting all manner of linen cloth, being the manufacture of this kingdom, directly from hence to your Majesty's plantations; and that they may receive such further encouragement as has been assured to your subjects of this kingdom, if they should turn their industry to the improvement of the linen manufacture".[2] To this compact the poverty of Ireland, and her inability to advance, have been attributed. Fortunately we have a book[3] of the highest authority which gives us full details of the Irish woollen manufacture up to 1747, and which is one of the very few economic works praised by Adam Smith. The subsequent account of this trade may be gathered from Newenham, Lord Sheffield, and the debates in the Irish Parliament.

[1] *Commercial Restraints of Ireland*, by John Hely Hutchinson, 1779. The quotations are from the Dublin edition, 1882.

[2] *Commons' Journals*, ii., p. 384. In consequence of this petition Irish white and brown linens were admitted to all English possessions in Asia, Africa and America by the English Act 3 & 4 Anne, c. 8. And by the same Act the importation of Scotch linen into Ireland was prohibited.

[3] *Memoirs of Wool*, by the Rev. Joseph Smith, London, 1747.

From a careful consideration of these authorities, it will appear that, though the restrictions consequent on this compact may at first have acted as a check, yet that the woollen manufacture recovered itself in a very short time, and increased so much that every pound of wool grown in Ireland found a ready and high market long before Hutchinson wrote, while her linen manufacture, owing to English encouragement, reached as early as 1729 "a great degree of perfection."[1]

The export of woollen manufacture from Ireland, though never very considerable, was of very ancient date. In 1687 it reached its highest development, and the exports of it in that year amounted in value to £70,521 14s.[2] This manufacture was totally destroyed by the vast slaughter of sheep effected by the Irish in that and the following year, and by the flight of the manufacturers. After the Revolution, it was again taken up by a few French, Dutch and Irish Protestants, in whose hands the manufacture entirely rested. Owing to the state of desolation in which Ireland then was,[3] the growth of the manufacture was necessarily slow, and in 1697, the year before the compact was made, the total value exported amounted only to the sum of £23,614 9s. 6d., namely in friezes and stockings £14,625 12s., and in old and new draperies £8,988 17s. 6d.[4] In 1698, while the Irish manufacture was still in its infancy, the English Lords and Commons, whether from trade jealousy, or, as Arthur Dobbs puts it, from a desire to recoup the charges England

[1] Dobbs, *Observations on the Trade of Ireland*, 1729, Dublin; Thom's *Tracts and Treatises*, ii., p. 286.

[2] Smith, ii., p. 34.

[3] "The many great oppressions which the people suffered during the revolution had occasioned almost *the utter desolation* of the country" (Hutchinson, p. 13).

[4] Smith, ii., 34, 244. This estimate is quoted by Hutchinson without a word of exception, p. 59, *note*.

had incurred "in reducing the natives of Ireland and restoring British interests," [1] petitioned the King to discourage the woollen manufacture in Ireland, and at the same time undertook in return to give ample encouragement to the linen trade. In the September of the same year the Irish Parliament met, and the Lords Justices told the Houses, that a bill for the encouragement of the linen and hempen manufacture had been sent over, and recommended that branch as more advantageous than that of wool, "which being the settled staple trade of England, from which all foreign markets are supplied, can never be encouraged here for that purpose, whereas the linen and hempen manufacture will not only be encouraged as consistent with the trade of England, but will render the trade of this kingdom both useful and necessary to England".[2] The Commons at once closed with the offer, and assured the Justices that they would heartily endeavour to establish the linen and hempen manufacture in Ireland, and hoped to find such a temperament in respect of the woollen trade, that the same might not be injurious to England.[3] In the same session they passed an Act imposing the prohibitory duty of 20 per cent. on old drapery, friezes excepted, and 10 per cent. on new drapery, exported from Ireland.[4] And in the following year, the English Parliament passed a measure restraining the exportation of woollen manufactures from Ireland to any country save England, including friezes, to prevent the exportation of new drapery under that name.[5] We must keep in mind that the home manufacture in Ireland was not affected in

[1] *Essay upon the Trade of Ireland*, 1729; Thom's *Tracts and Treatises*, ii., p. 387.

[2] *Commons' Journals*, ii., p. 241.

[3] *Ib.*, ii., p. 243.

[4] 10 Will. III., c. 5.

[5] 10 & 11 Will. III., c. 10 [English].

any way, exportation only being in the view of both Parliaments.

But the Irish had no intention of abiding by their side of the compact. Their raw wool had long been clandestinely exported, and to their raw they now added their manufactured wool, and in consequence their manufacture increased enormously. In 1743 their manufacture of fine cloth from Spanish wool had increased more than twenty fold.[1] In 1745, the export of wool manufactured in Ireland, taking Arthur Dobbs's estimate of the price of wool worked up, had risen to the sum of £175,000, or more than seven times the value exported in 1697.[2] That the Irish Parliament was well aware of this clandestine exportation, and winked at it, is shown by the proceedings in the session of 1739-40. An English Act had just been passed,[3] taking off the duties on woollen and bay yarn exported from Ireland to England, and it was hoped that in return a measure to prevent the smuggling of wool from Ireland to foreign parts would pass in the Irish Parliament. Accordingly, a motion was made in that body on behalf of the Government, that a permit, such as was used in the excise, would be conducive to prevent the smuggling of wool. The motion was defeated. During the debate it was stated from a computation which had been carefully made, and was acquiesced in by all parties, that 1,000,000 stones of wool were grown in Ireland; of which 700,000 were used at home; 150,000 exported to England in wool and yarn; and 50,000 in manufactured wool, and 100,000 in raw wool were exported clandestinely.[4] It would thus appear that the whole of the wool grown in Ireland found a market as early as 1740, that is almost forty years before Hutchinson wrote, and that, as the author of the *Memoirs of Wool* says,

[1] *Memoirs of Wool*, ii., p. 34. [2] *Ib.*
[3] 12 Geo. II., c. 21. [4] *Memoirs of Wool*, ii., p. 350.

the intended restraint on the woollen manufacture of Ireland and its exportation abroad was "in reality no check at all, or at the most a very slender one".[1]

From 1740 the Irish home manufacture increased very greatly. The domestic consumption assumed such proportions as to require all the wool grown in the country, and to forbid either exportation or smuggling. The price of wool rose steadily in Ireland until it was far higher than in England. Arthur Young tells us that from 1766 to 1779 wool was 47 per cent. dearer in Ireland than in England.[2] The smuggling of wool died away. "No wool smuggled," said Young in 1776, "not even from Kerry, not a sloop's cargo in twenty years, the price too high."[3] "Smuggling of wool," wrote Lord Sheffield in 1785, "has for many years ceased. . . . The home market is, and has been so high for a considerable time that no foreign market can afford to pay the additional expense of smuggling."[4] Wool was no longer sent to England to any considerable amount. Hutchinson himself informs us that the quantity exported to England had fallen from 377,520 stone to 1,665 stone in 1778.[5] These facts show conclusively that in 1779 Ireland was in possession of a great home woollen trade, which, if we remember that she raised 1,000,000 stone, and that Arthur Dobbs valued a stone of manufactured, without dyeing, at £3 10s.,[6] must have amounted at least to the sum of £3,000,000 a year. Six years after Hutchinson had written his treatise, Lord Sheffield was

[1] *Memoirs of Wool*, ii., p. 38.

[2] Vol. ii., 106; edit. 1892. Hutchinson makes a similar statement, p. 73.

[3] Vol. i., p. 335.

[4] *Observations on the Manufactures and Trade of Ireland*, pp. 148, 157.

[5] P. 78.

[6] "For a stone of wool manufactured, without dyeing, is at least worth £3 10s. (*Essay on the Trade of Ireland*, p. 377)."

struck by the universal use of woollen clothing in Ireland. "The amount of the consumption of woollens in Ireland we cannot know, but it is very great; and perhaps no country whatever, in proportion to its number of inhabitants, consumes so much. The lower ranks are covered with the clumsiest woollen drapery, and, although the material may not be fine, there is abundance of it."[1] Adam Smith says that a home trade is the most valuable of all, inasmuch as it replaces two capitals, but Hutchinson and the Irish Parliament were not of this opinion. He, with the majority of that body, believed that a large export was the panacea for Ireland, although he mentions a fact which shows that an exportation of woollen manufactures was impossible. "We have the misfortune of daily experience," he says, "to convince us that the English, notwithstanding the supposed advantages of the Irish in this trade, undersell them at their own markets in every branch of the woollen manufacture."[2] The truth was that Ireland not only consumed the whole of her own rough manufacture, but required a large importation of finer quality from England for the wealthier classes[3]

What took place after all the restrictions on Irish trade had been removed confirms what has been said. Ireland found it impracticable to increase her exports of woollen manufacture. At first she made an effort to send large quantities to foreign markets, though, to do so, she had to increase her imports.[4] For the years 1781, 1782, and 1783, her exports rose, but speedily declined. "So great," says Newenham, "was the increase of the home demand that the

[1] *Observations*, etc., p. 186. [2] P. 71.

[3] "The greater part of the wool produced in Ireland is consumed by the lower orders of the country people, who, generally speaking, get it manufactured at home for their own use" (Newenham, *Population of Ireland*, p. 205).

[4] Lord Sheffield, p. 13.

export soon declined most rapidly."[1] Mr. Foster, the Speaker of the Commons, and formerly Chancellor of the Exchequer, stated in his laboured attack on the Union proposals of 1799 that the export of woollen cloth from Ireland in the preceding year amounted only to the value of £12,500, and that in the same year she imported British woollens to the value of £580,723, although "she exported no unmanufactured wool, and worked up all she had ".[2]

The compact of 1698 was the best bargain Ireland ever made. She gave up a trifling exportation of woollens, amounting to £23,000 a year, for an encouragement which rendered her insignificant linen manufacture a great trade. Irish linen was admitted into England free of duty, while a tax of 25 per cent. was imposed on foreign linen. In addition, a bounty was given on the exportation of Irish linen from England,[3] and all the articles necessary for the Irish manufacture were sent to Ireland duty free. In consequence of these favours, the export of linen cloth from Ireland—not to speak of the home consumption—rose from 759,020 yards in 1705[4] to 25,000,000 yards in 1779, and 39,000,000 in 1797.[5] This protection cost Great Britain an immense sum annually. In 1799, Pitt put the annual loss to the British revenue at between £700,000 and £800,000 in

[1] Newenham, *Population*, etc., p. 206.

[2] Speech of the Speaker, 11th April, 1799.

[3] The effect of this English bounty on Irish linen is described by Lord North: "The number of yards manufactured for foreign consumption, or exported in 1751, was twelve millions; the next year, the British bounty was discontinued, and it fell to ten millions; in 1756, it was no higher than eleven millions; and in the next year, when the bounties were again granted, the number of yards entered for exportation suddenly rose to fifteen millions, and so continued to increase for several years so high . . . as to twenty-five millions of yards" (*Parliamentary History*, xx., 1275).

[4] *Commercial Restrictions*, Appendix, p. 3.

[5] *Political* etc., *State of Ireland*, by Dr. Clarke. At this time the exportation to all foreign countries amounted to about four millions.

foregoing the duty which might have been levied on all linens, or, on the other hand, as sacrificing at least a million in the higher price paid by the people of Great Britain, leaving entirely out of consideration the damage done to the British woollen trade by the high duties laid on it by foreign Governments in return for those placed on their linen. Notwithstanding these advantages, the Irish were never able to exclude foreign linen from the British market,[1] a sure proof that if there had been no bounties and duties in their favour, there would have been no market for Irish linens in Great Britain. And as protection was then, as now, the policy of foreign Governments, it would have been impossible to find a market abroad for Irish linens.

For many years after 1698, the Irish considered the encouragement of their linen trade a full compensation for the loss of their small woollen exportation. Arthur Dobbs, who wrote in 1729, says: "In my opinion they have given us a full equivalent for it in the manufacture of linen and hemp, in which they have so much encouraged us, that I hope they will in a little time be fully supplied by us".[2] And Madden in 1738 declared that Great Britain had made "full amends" for the loss.[3] But as the folly and dishonesty of her Parliament plunged Ireland deeper and deeper in distress and poverty, as will be seen later on, the feeling changed, and her condition was attributed to the restrictions on her woollen exportation.

An Irish Parliamentary return throws light upon the amount of Irish woollens sold in a single warehouse in Dublin. A ready money establishment was opened in

[1] Pitt said, in 1799, that Great Britain imported foreign linen to an amount equal to a seventh part of all that Ireland was able to send (Speech, 31st January, 1799).

[2] *Essay Upon the Trade of Ireland*, p. 388.

[3] *Reflections and Resolutions for the Gentlemen of Ireland*, p. 157.

that city under the auspices of the Dublin Society on the 29th of May, 1773. The first year, the sales amounted to £4,039 6s. 2½d.; in the second, to £17,657 7s. 7½d.; in the third to £18,870 0s. 5d.; in the fourth to £21,850 19s. 1½d.; and in the year Hutchinson wrote his book, ignoring the existence of a flourishing woollen manufacture in Ireland, to £25,144 3s. 5½d.[1] It must be remembered that all the sales in the shop were for ready money, and sales for ready money represent but a small portion of the transactions in any trade. "Fortunately for the kingdom," says Arthur Young, who objected to this interference with the natural course of trade, "it is at Dublin as in other cities, the ready money trade is by no means equal to that of credit; consequently the pernicious tendency of this measure cannot fully be seen. The drapers and mercers do, and will support their trade."[2]

All through his treatise Hutchinson studiously confuses exportation and the home manufacture, and speaks as if there were restrictions on both. Of the latter, which was perfectly free, he makes no mention, though there was legislative provision for its protection and encouragement;[3] nor of its great increase subsequently to 1698. He was not always so reticent about the domestic manufacture. It is interesting to compare his opinions when he was Prime Sergeant, with those expressed when he thought Great Britain was declining, and wished to be reconciled to the Opposition. "There was not a kingdom in the world that had less reason to complain of public taxes, and its disadvantages with respect to trade arose rather from the extravagance and folly of its inhabitants than from any restraints that were imposed by Government. No check

[1] *Commons' Journals*, x., Appendix, p. 443.
[2] *Tour in Ireland*, ii., pp. 132-4.
[3] 7 Geo. II., cc. 9 and 14; 31 Geo. II., c. 10.

could be pretended except upon the manufacture of woollens and silk; and this would be attended with no national disadvantage, if the natives would contribute to the home consumption of these manufactures by wearing them themselves, which a senseless vanity prevented them from doing." [1]

It is needless to say that the anti-English writers accept implicitly the statements of Hutchinson. Mr. Lecky informs us that "the English utterly suppressed the existing woollen manufacture in Ireland, in order to reserve that industry entirely to themselves".[2] Thus is history, without any research into authorities, compiled from a political pamphlet, and a manufacture which was actually greater and more beneficial than that of linen, is represented as "utterly suppressed." [3]

[1] Caldwell's *Parliamentary Debates*, p. 392.

[2] Vol. ii., p. 212.

[3] In November, 1783, the woollen manufacturers of the town and neighbourhood of Carrick-on-Suir presented a petition to the Irish Commons, stating that they and their ancestors had carried on this business successfully for more than a century; that the trade had been begun by settlers about the time of the Restoration, and that they made considerable quantities of fine goods which were consumed by the nobility, gentry and better sort of people; "by which means these settlers and their descendants, for many years after, made good properties, improved the town and neighbourhood, and gave subsistence to great numbers of industrious poor". But that for "several years past" the woollen trade had declined (*Commons' Journals*, xi., p. 108). Several of the woollen manufacturers, who deposed before the Committee appointed in 1784 to examine into the state of Irish manufactures, spoke of the former prosperity of their trade. One of them stated that in 1784 the number of looms in Dublin was only a third of those employed in 1773 or 1774. Another said that in 1775 there were 370 looms in Dublin, and in 1784 "about 135, but not one-half employed, the rest totally unemployed" (*Commons' Journals*, xi., Appendix, pp. 142, 143).

CHAPTER XIII.

THE APPELLATE JURISDICTION CLAIMED BY THE IRISH LORDS. THE SACRIFICE OF TILLAGE TO PASTURE.

In 1719, the British Parliament passed a short Act[1] declaring that the King, with assent of the Lords and Commons of Great Britain, had power to make laws to bind the people of Ireland; and that the House of Lords of that country had not any jurisdiction to judge of, affirm or reverse any judgment, sentence or decree given or made in any Court of that kingdom. The former of these propositions was a truth the Irish Parliament was too prone to forget; the latter has been represented as a case of might against right. But before we accept this opinion, it is necessary to enquire whether the Irish Lords had any title whatever to act as a final court of appeal, or whether this claim was merely a portion of the assumption of the Irish Parliament to be in all respects the equal of the British.

The immediate cause of this statute was the action of the Irish Lords in a suit between Wester Sherlock and Maurice Annesley in the Irish Exchequer on its equity side. Annesley was successful in the court below; whereupon Sherlock appealed to the House of Lords, which reversed the decision of the Exchequer. From this decree Annesley appealed to the Lords of Great Britain, and urged that the Irish Lords had no jurisdiction. Sherlock,

[1] 6 Geo. I., c. 5.

instead of appearing to this appeal, petitioned the Irish House, and prayed them to support their own decision, while the Lords of Great Britain, treating the proceedings before the Irish Lords as *coram non judice*, directed the Barons of the Irish Exchequer to replace Annesley in possession of the property from which he had been ousted. Accordingly the Barons issued an injunction to the sheriff to restore possession to Annesley. The sheriff refused to obey the injunction, and was attached for contempt of court. This officer then brought his case before the Irish Lords, who at once passed a resolution that the Chief Baron [1] and his associates "were betrayers of his Majesty's prerogative and the undoubted rights of this House, and of the rights and liberties of the subjects of this kingdom," [2] and ordered them to be taken into the custody of the Black Rod. A few days after these proceedings, the Irish Lords drew up a long address to the King, in which they claimed the same authority and powers of judicature in Ireland as were exercised by the British House of Lords in the United Kingdom.[3] This was not the first case in which the English Lords had decided that the Irish Lords had no appellate jurisdiction. In 1698, before the Scotch Union, it was adjudged that an appeal of the Bishop of Derry to the Irish Lords from a decree in Chancery was void, and that all the proceedings thereon were of no effect.[4] In their address to the King the Irish Lords assert that

[1] This Chief Baron, Jeffry Gilbert, was the great lawyer whose writings are known to every student of law. He was transferred to the Exchequer in England, in which he afterwards became Chief Baron.

[2] *Lords' Journals*, ii., p. 627.

[3] The Address is in the *Lords' Journals*, ii., pp. 655-60.

[4] This decision and the arguments of Molyneux against it were attached to the edition of his *Case of Ireland* which was published in 1782. His arguments against this decision are quite as futile as those contained in his treatise on the independence of the Irish Parliament.

there had been two other cases in 1699 of appeal from their House to the English Parliament, and that, in both, the proceedings before them were held to be *coram non judice*.[1] Notwithstanding these cases, the Irish Lords continued to receive appeals till the statute above mentioned was passed.

We are so accustomed to connect the final judicature with a House of Lords, that at first sight the denial of this claim of the Irish Lords appears to be hard. But it may be asked, when or how was that House made a Court of Appeal. The English Lords were, from the Conquest, a part of the Aula Regia, which possessed supreme jurisdiction, both original and appellate, over the whole kingdom. When certain branches of the original jurisdiction of this Court were transferred to Committees, which were afterwards known as the Courts of Common Law, its appellate jurisdiction remained, and was exercised by the Lords, assisted by the great officers of State. As Chancery grew up, appeals from it also were taken to the same authority, to prevent the existence of two Supreme Courts of Appeal on kindred matters. But nothing of this kind had ever existed in Ireland. For upwards of four hundred years after the landing of Henry II., no such claim had ever been made by the Irish House of Lords.[2] It was not until 1641,

[1] *Lords' Journals*, ii., p. 656.

[2] Mr. Lecky makes two remarks on this subject for which there is absolutely no foundation. He says: "There appears to be little or no doubt that originally the Irish House of Lords possessed exactly the same final right of jurisdiction in Ireland as the English House of Lords possessed in England," and "The Irish House in the first place took the opinions of the judges, who pronounced that it possessed the final right of jurisdiction for Ireland". The Irish House did not take the opinion of the judges, but, on the contrary, avoided doing so. It was proposed in that House that the opinion of the judges should be taken on the question "whether, by the laws of the land, an appeal lies from a decree pronounced by the Court of Exchequer to the king in Parliament in Great Britain".

when, in the interval between the departure of Strafford and the breaking out of the Great Rebellion, the Irish Parliament was acting as a revolutionary tribunal, that any such claim was advanced. In that year, both Houses united in a declaration that "the Court of Parliament is the Supreme judicatory in this realm". When they were asked by the King in Council to furnish him with some precedents justifying their claim, they stated that they were unable to do so, owing to the destruction of records in the perpetual wars of the kingdom. If this claim had been allowed either in 1641 or 1719, endless confusion of authorities must have ensued. The Irish Lords in their address to the King in this latter year admitted that from time immemorial a writ of error from the King's Bench, Ireland, had lain, and did then lie, to the King's Bench, England. This latter Court was subordinate to the High Court of the British Parliament, and every decision in it might be brought into that Parliament, and there be either confirmed or reversed. In other words, an ordinary Court in England, which was subject to the jurisdiction of the British House of Lords, had power to review and reverse every common law case determined in Ireland. "If," says an Irish Judge, "a judgment be given in an inferior Court, which by writ of error is affirmed in the Common Pleas, which judgment, by another writ of error, is again examined and affirmed in the Kings Bench, yet upon a writ of error out of England, the King's Bench there, may reverse the judgment given in the King's Bench in Ireland, and command execution to be done according to their judgment, contrary to all the former judgments in Ireland; and that judgment also may, by writ of error, be brought into Parliament in England, and there

The proposal was rejected (*Lords' Journals*, ii., p. 559). It is impossible to read Mr. Lecky's volumes without being reminded of the question: Is history a fairy tale?

be examined."[1] There being already established a Supreme Court of Appeal for all the common law cases occurring in Ireland, it would have been dangerous to allow a separate final court for Equity cases. Law and Equity are so intermingled that the existence of two Appellate Courts would have led not only to judicial but to international disagreements. A Court, claiming as the Irish Lords did, equality of authority and judicature with the British House of Lords, would very soon have embroiled the two nations. Questions touching, even remotely, on the Irish Constitution, or the connection with Great Britain, would certainly have been decided differently in the two courts. It was principally to prevent such quarrels, that England, and afterwards Great Britain, refused to recognise the Irish House of Lords as a Court of Appeal, and kept in their own hands the nomination of Irish Judges and the power of removing them.

"The land," says Adam Smith, "constitutes by far the greatest, the most important, and the most durable part of the wealth of every extensive country."[2] And in another place the same author declares that, of all the ways in which capital can be employed, agriculture is by far the most advantageous to society, inasmuch as it not only puts into motion the greatest quantity of productive labour, but adds to the real wealth and revenue of the people.[3] Unfortunately for Ireland, her agriculture was sacrificed to pasture, and was not only not encouraged, but discouraged and circumscribed, both by the owners of land and by the action of the House of Commons. Divided as the country was by religious dissension, nothing would have been more conducive to its peace and prosperity than kindly relations between the landlords and their tenants. Common interests and friendly intercourse would have mitigated, if not

[1] Mr. Justice Mayart. Harris, *Hibernica.*
[2] Book 1, c. 11, pt. 3. [3] *Ib.*, c. 5.

destroyed, the antagonism created by a difference of faith. Some interest in their holdings, some approach to fixity of tenure, such as afterwards grew up in the North under the name of "tenant right,"[1] or such a moral tie as existed between landlords and tenants in England, would have satisfied the small farmers of the country and brought with it hopes of bettering their conditions. But these truths were hid from the landlords of Ireland, and especially from those in Leinster and Munster. Instead of fulfilling the duties connected with their position, they advertised their lands to be let to the highest bidder, and, in their desire to lay down their estates in grass and enlarge their grazing lands, they bound their tenants not to break up the soil, enclosed the commons on which the peasantry fed their cows, and turned whole villages adrift,[2] careless whether their inhabitants found employment elsewhere or begged their bread.[3] If the aristocracy of Ireland could have lifted their eyes and looked beyond what they considered their immediate interest, they would have learned that tillage was more profitable than pasture, that a settled and contented peasantry was their own best security, and that a progressive and thriving community is always tranquil. There were peculiar circumstances connected with the condition of Ireland, which should have taught them that a special and even tender regard was due from them to the people whom they governed. There was no legal provision for the poor. The vast majority of their tenantry were groaning under the Penal Laws, which limited their industry by forbidding them to take profitable leases. They knew that that

[1] It is remarkable that there is no mention of Tenant Right in Arthur Young. An inquiry, how and when it came into existence, would be interesting and instructive.

[2] Arthur Dobbs, *An Essay upon the Trade of Ireland*, p. 411.

[3] The same author estimates that, in 1729, there were 34,425 strolling beggars in the kingdom (*Ib.*, p. 444).

tenantry was hostile to themselves and the constitution of their country. These were circumstances which ought to have constrained them to conciliate the peasantry, to avoid all appearance of harsh dealing, to mitigate their sufferings, and to encourage their material prosperity in order to compensate them for restrictions imposed by political fears.

During the eighteenth century the richest lands of Leinster and Munster presented an appearance, which, if it could be reproduced at the present time, would astonish the beholder. They were divided into enormous pasture farms, on which for miles neither a house nor a man was visible. Wherever the ground was fit for pasture, tillage ceased, and not a house, not a hedge, not a ditch was to be seen; the country was "abdicated by the human species and peopled with sheep".[1] The squire's country seat, the rich farmhouse, or even the warm cottage was looked for, but looked for in vain. The only visible habitation was that of the herdsman, "whose squalid hovel served but to cast a deeper shade upon the gloom of depopulation".[2] A man might travel ten or fifteen miles without seeing a house or a cornfield.[3] The most fertile portions of Leinster, and more particularly of Munster, were occupied by the cattle of the graziers, who, as Campbell says, throve on depopulation, while the peasants, who were chiefly Roman Catholics, were driven into bogs or mountainous districts, where they eked out a subsistence by growing potatoes, or keeping small and starving cattle on their miserable patches. Newenham estimates that there was not more

[1] Campbell, *Philosophical Survey of the South of Ireland*, 1778, p. 117.

[2] *Ib.*, p. 128.

[3] Archbishop Boulter in 1727 mentions ten or fifteen miles (*Letters*, i., p. 179). In 1778 Campbell says "one may ride miles over the most fertile land without seeing an acre of ploughed ground except where potatoes had been a year or two before" (*Phil. Survey*, p. 151).

than the one-fortieth part of Ireland under tillage in 1730,[1] and that the number of cultivated acres had decreased by 100,000 from the time of Sir William Petty, though the population had greatly increased. To remedy, or rather to appear to remedy, this state of things, the Irish Parliament passed what Newenham calls one of their illusory Acts. In 1727 a statute,[2] after reciting "that several persons kept great quantities of land under stock, to the great discouragement of tillage and manifest prejudice to the poor of this kingdom," enacted that persons occupying 100 acres of arable or pasture land (bog, mountains, rocky, craggy or fenny land, woodland, meadows, and parks excepted) should till at least five acres. This Act was not intended to be executed, and it soon became "as dead as the letters of it, for all the rich were delinquents, and none but the impotent poor were left to enforce the performance of it".[3] Even if this Act had been meant to be efficacious, the Irish House of Commons, eight years later, took a step which entirely nullified its provisions.

The Commons cared nothing for agriculture; what they desired was an extension of pasture. To effect this, they resolved to give it a premium by making it tithe-free. The tithe of agistment, that is, the tithe of pasturage for dry and barren cattle, was perfectly legal, and was regularly paid in the North and in England. To use an expression of the law, it was due of common right to the incumbent, who possessed a better title to it than any private man could show to his own estate. It was naturally disliked by the graziers and their landlords. In 1707 a judgment in favour of its demand was given in the Irish King's

[1] Newenham, *Population of Ireland*, p. 56, and Newenham's *View of Ireland*, p. 128.

[2] 1 Geo. II., c. 10.

[3] Campbell, *Survey*, etc., p. 155.

Bench, and this decision was affirmed in the King's Bench, England.[1] The same question was again tried in the Exchequer in 1722 with a similar result.[2] Only three months before the proceedings to be shortly mentioned, the Commons themselves had admitted its legality by giving leave to bring into their House heads of a bill for ascertaining the tithe of herbage or agistment of dry and barren cattle, and settling the methods of recovering the same".[3] But men who have made up their minds to increase their possessions rightly or wrongly, care neither for consistency, nor for the law of the land when they are in a position to override it.

The House of Commons was then chiefly composed of large landed proprietors, whose private interest it was that their estates should be free from tithe. Its members knew that neither the House of Lords nor the English Government would consent to an exemption for which not a single argument or reason could be advanced. Any other assembly would have remembered that they were assuming jurisdiction in a cause which was peculiarly their own, and would have hesitated to determine a matter already decided by the judges of the land. But the Irish Commons had no such scruples. They resolved to cast from their shoulders the burden of maintaining their own Church, whilst they continued it on a peasantry of a different faith.[4]

In 1735, two petitions against the tithe of agistment, one on behalf of the graziers, the other on behalf of the gentlemen and landlords of Ireland,[5] were presented to

[1] Mant, *History of the Irish Church*, ii., p. 555.

[2] *Ib.* [3] *Commons' Journals*, iv., p. 199.

[4] Mr. Lecky says (iv., p. 322) that the burden which was taken off the graziers was thrown on the cottiers. This was not so. The Church simply lost a large portion of its endowment, but no individual paid a larger tithe in consequence.

[5] *Commons' Journals*, iv., 184 and 219.

the Commons, who, after considering them, resolved by a majority of 110 to 50 that the tithe of agistment was new, grievous, burthensome, and injurious to the Protestant interest; and that all legal ways and means ought to be made use of to oppose all attempts for carrying demands for such into execution.[1] Supported by the Lower House alone, most of the lay lords and commoners combined in associations to give effect to these resolutions, contributions were collected, and a treasurer appointed to carry on law-suits against the clergy, who were in addition threatened with opposition in their other rights if they ventured to sue for the tithe of agistment.[2] Though the resolutions of the Commons were unconstitutional and of no legal validity, they so intimidated the clergy that they had practically the effect of law. A third of the tithes of Ireland was already impropriate, that is, private property;[3] this unjust and illegal oppression of the Protestant Church by its own members, deprived it, according to some, of a third of the remainder.[4] This is certain, that in 1800, the value placed upon this tithe in the House of Commons was estimated at a million sterling a year.

The consequences of these resolutions were far-reaching. They crippled the Church, of which the Irish Commons professed themselves devoted sons, and rendered parochial unions more necessary than before, in order to afford suitable maintenance to the clergy. The number of pastors was diminished, and the difficulty of performing pastoral duties was increased. In many parishes the Protestants were left to the casual attentions of a neighbouring clergy-

[1] These resolutions aroused the indignation of Swift, and gave birth to the well deserved "Legion Club".

[2] Mant, ii., p. 556.

[3] *Address to the Nobility and Gentry of the Church of Ireland*, Dublin, 1786.

[4] Killen, *Ecclesiastical History*, ii., p. 261.

man, and had no one to conduct divine service regularly, to baptise, to marry them, or bury their dead. It was not strange that under these circumstances, many fell away from the religion of their forefathers, and adopted that of those among whom they lived. But the injury done to the Church was only a part of the evil caused by these resolutions. The tendency to turn great tracts of land into pasture was greatly fostered by them, inasmuch as they offered a large bounty on every acre of pasture, which bounty, if the lands were let on lease, went into the pocket of the grazier as long as his lease lasted; if not, or at the end of the lease, it went into that of the landlord. There can be no doubt that the contraction of tillage, and the exclusive possession of the best lands of Ireland by flocks and herds, were the principal causes of the misery of the Irish peasantry, and gave rise to the Whiteboys, 1761-1771,[1] and the Munster insurrection of 1785-1787. What must have been the feelings of neglected cottiers when they saw the most fertile lands in the kingdom occupied by cattle and sheep, yet found themselves in want of subsistence, and when they learned that the grazier, who paid perhaps £10,000 a year for rent[2] was, except upon the few acres he kept in tillage about his house, free from the tithe which they paid upon every acre of their wretched holdings. The Irish peasant dreaded peaceful cattle more than wild beasts, and hated them as the cause of his ruin. To this hatred may be traced the barbarous practice of houghing.

The action of the Irish Commons was purely selfish. If

[1] "The disturbances of the Whiteboys, which lasted ten years," etc. (Arthur Young, ii., p. 64).

[2] "Thus you may observe a rich grazier, who pays, perhaps, ten thousand pounds a year rent, may be subject to as much tythe as a wretched cottier who holds but ten acres of land. No wonder then that both the clergy and the poor should be equally distressed" (Cambell, *Survey*, p. 307).

they had wished to lighten the burden of the poor, they would have taken off the tithes from the potato gardens and the turf of the cottiers, and left them on the graziers, who were the only occupiers of land in Ireland possessed of capital. But they knew well what they were doing, and that their measures would increase their own rents. When the owners of tithe-free estates advertised their lands to let, they invariably mentioned this exemption, and claimed an advanced rent in consequence.[1] Not only did they thus increase the value of their estates in contempt of the law, but they were able to direct the indignation of the peasantry against the Church, and to delude them into the idea that their misery was owing to tithes.[2] In Ireland, tithes were fewer and lighter than in England. It was estimated that the Irish clergy did not collect a third of what was legally their due; and if we pay attention to facts and not to speeches in an Assembly hostile to them, we shall see that it was the interest of every incumbent to sell his tithe to the farmer, on whose lands it grew, much below its market value. In those parishes, where a *modus* or money compensation existed, no dispute could arise. Where a *modus* did not exist, if a dispute arose between the incumbent and the farmer, the latter was perfectly secure from extortions. What took place was this. The crops of the farmer were valued by two viewers, who proposed, on the part of the incumbent, a rate. If the farmer was dissatisfied with the amount demanded, he severed the tenth from the rest of

[1] *Address to the Nobility and Gentry*, etc.

[2] "Now, sir . . . it does not appear that there is the least ground to accuse the clergy of extortion. Far from receiving the tenth, I know of no instance in which they receive the twentieth part. I am very well acquainted with the province of Munster, and I know that it is impossible for human wretchedness to exceed that of the miserable peasantry in that province. I know that the unhappy tenantry are ground to powder by relentless landlords." Per Fitzgibbon, Attorney-General, 1787 (*Irish Debates*, vii., pp. 57-59).

the produce, and naturally took care not to overrate its dimensions. The tenth, so severed, was then offered for sale to the farmer as it lay upon his ground, to be paid for by his own note-of-hand with twelve months' credit. If he refused to buy, the incumbent was obliged to cart it away at his own expense to the nearest market. As it was almost impossible for the incumbent to draw the tenth of a whole parish, it was his interest to sell it to the farmers at their own prices. The consequence was, that the tenth was almost invariably sold much below the market price, at a rate seldom exceeding the one half, and often not amounting to one-fourth of the real value.[1]

One of the results of the enormous extension of pasture and the neglect of tillage was the dearth of grain, and the frequent recurrence of famines. The quantity of grain raised in Ireland was so small, that, as there was no reserve in the hands of corn dealers, a bad harvest, or even an indifferent yield, occasioned universal suffering. Archbishop Boulter tells us that there was in 1727 "a terrible scarcity of corn, nigh to a famine,"[2] and attributes it to the landlords forbidding their tenants to till, and to the growth of pasture. Clarendon says that the scarcity of corn "was so great in 1728 and 1729 as to be little short of a famine," and that the importation of grain for eighteen months ending Michaelmas in the latter year, amounted in value to £274,000.[3] In 1740 and 1741, five years after the resolutions of the Commons gave a premium to pasture, a famine on a great scale raged in every part of Ireland. There was again a scarcity of corn in 1756 and 1757. In 1765,

[1] The legal value, and the rates at which the Munster clergy sold their tithes, are given in Dominick Trant's *Considerations on the Present Disturbances in Munster*, Dublin, 1787.

[2] *Letters*, i., p. 151.

[3] *Sketch of the Revenue of Ireland*, p. 97.

there was a great scarcity which was aggravated by a failure of the potato crop. To mitigate the calamity, two Acts were passed,[1] the one to stop distilling from any kind of grain; the other to prevent the exportation of corn. Another great scarcity was experienced in 1770, and the alarm was so great that the Lord Lieutenant in his speech, 26th February, 1771, recommended the high price of corn to the earnest attention of the Parliament.[2]

The contrast between the wide domains devoted to pasture and the small tillage holdings was great and striking in more ways than one. The silence of depopulation reigned in the former; the latter exhibited the only rural industry in the southern provinces, which, if encouraged, would soon have developed a healthy growth. The rich graziers of Ireland, says Arthur Young, are "as arrant slovens as the most beggarly cottiers".[3] Their lands were covered with weeds; of fencing, draining, building, or cleaning the ground, they knew nothing. "In the mountainous tracts," says the same observer, "I saw instances of greater industry than in any other part of Ireland. Little occupiers, who can get leases of a mountain side, make exertions in improvement, which, though far from being complete or accurate, yet prove clearly what great effects encouragement would have among them".[4] Wherever the soil was inferior and unfit for pasture, there only the signs of cultivation and improvement made their appearance. "A great share of the country I rode through hither (Athlone)," says another eye-witness, "was rough and in some places mountainous, yet it afforded greater pleasure than the most fertile parts, for it showed more cultivation and more signs of population. The houses grew more frequent and less wretched wherever the grounds

[1] 5 Geo. III., cc. 4 & 5.
[2] Clarendon, pp. 107, 108.
[3] Vol. ii., p. 30.
[4] *Ib.*, p. 31.

were bad".[1] "It is an observation," says another authority, "which must strike every traveller through Munster, where grazing chiefly prevails, that the greater the fertility of the soil, the more wretched are the peasantry who occupy it. . . . Grazing diminishes population—it promotes indolence; the extensive capital it requires, which in any other occupation would give work to thousands, supports but a few wretched and slothful herdsmen."[2]

The system of devoting large tracts of country exclusively to pasture, continued up to the Legislative Union of 1800. In 1793 Crumpe deplored its prevalence. On the 21st of March, 1800, during the Union debates, Sir John Macartney startled the members of the Commons by reminding them that the tithe of agistment which he valued at £1,000,000 sterling a year had been abolished solely by a vote of their own House; that by the Union the operation of that vote would expire, and that the clergy would be remitted to their legal rights. The alarm created by this announcement among the Unionists, their opponents, and the graziers was so great that the Government introduced and passed a bill for the abolition of this tithe.[3] The high value placed by the House on it is strong evidence of the great extent of pasture. Very soon after the Union was effected, pasture commenced to decrease and tillage was greatly extended. Newenham, writing in 1805, and commenting on a passage in Boulter's letters—"in some of the finest counties there is not a corn field to be seen in ten or fifteen miles"—says "at present a person may travel a *hundred* and ten or a *hundred* and fifteen miles through Ireland and meet little else than corn or potato fields.[4]"

[1] Campbell, *Survey*, etc., p. 264.

[2] Crumpe, *Essay on the Best Means of Providing Employment for the People*, Dublin, 1798.

[3] Cornwallis, *Correspondence*, iii., pp. 216, 220.

[4] *Inquiry into the Population of Ireland*, p. 56.

In the same year, 1735, in which the Irish Commons passed their resolutions against the tithe of agistment, the wisest man in Ireland published, among his Queries, suggestions for the better management and improvement of the country. If the legislators and gentlemen of Ireland could have taken to heart these suggestions, and put them in practice, there would soon have been a wonderful improvement in the condition of the country. Berkeley pointed out the abject misery in which the people lived,[1] the great capabilities of the country,[2] the neglect of agriculture,[3] the primary importance of a home trade, and the comparative unimportance of a forced foreign commerce.[4] Shocked by the universal destitution in the country, and the blindness of its rulers, he asked, whether, even if Ireland were surrounded by a wall of brass, some means might not be found to feed and clothe its inhabitants,[5] and whether the art of governing did not require some share of moral qualities and political knowledge.[6] But the men whom he addressed cared little either for domestic trade or the improvement of agriculture. What they looked to

[1] Whether there be upon earth any Christian or civilised people so beggarly, wretched, or destitute, as the common Irish.

[2] Whether there be any country in Christendom more capable of improvement than Ireland.

[3] Might we not put a hand to the plough or the spade, although we had no foreign commerce?

[4] Whether a people who had provided themselves with the necessaries of life in good plenty, would not soon extend their industry to new arts and new branches of commerce. Whether, as our current domestic credit grew, industry would not grow likewise, and if industry, our manufactures, and if these, our foreign credit.

[5] Whether, if there was a wall of brass a thousand cubits high round the kingdom, our natives might not, nevertheless, live cleanly and comfortably, till the land, and reap the fruits of it.

[6] Whether to comprehend the real interest of a people, and the means to procure it, doth not imply some fund of knowledge, historical, moral, and political, with a faculty of reason improved by learning.

was an impossibility, *viz.*, an extensive foreign commerce and a huge exportation, without a home consumption. They had no idea of the natural development of a nation; that it advances from a superabundant agriculture to manufactures, and from superabundant manufactures to external trade. Dazzled by the enormous commerce of Great Britain, and ignorant of economic truths, they dreamt that they could prematurely force a country especially adapted to agriculture, and which possessed no capital,[1] into a foremost place in the markets of the world. These views are manifested in their Parliamentary debates, and in the treatises of their commercial writers. In both, agriculture and domestic traffic are treated lightly, and the word "trade" means almost always foreign commerce, to the exclusion of the other two, which in their due order are the indispensable foundations upon which foreign intercourse and external exchange can be built. Of this way of thinking, we have already had an example in Hutchinson's worthless and misleading *Commercial Restraints*, in which the author complained that the woollen manufacture of Ireland had been destroyed by England, though he must have known, at the time he wrote, that there was a flourishing home manufacture which absorbed every pound of wool grown in Ireland, and which, when freedom of exportation was granted, was found to be incapable of increase.

[1] "The Irish are deficient in all kinds of stock, they have not sufficient for the cultivation of their lands, and are deficient in the stocks of master manufacturers, wholesale merchants, and even of retailers" (*Commercial Restraints*, p. 73).

CHAPTER XIV.

FROM 1753 TO 1773—THE INTENTIONAL WASTE BY THE IRISH COMMONS OF THE RESOURCES OF THE COUNTRY—UNIVERSAL JOBBERY.

Two of the most recent writers, who have treated of the condition of Ireland in the eighteenth century, have made statements respecting the revenue of that country which could only have arisen from extraordinary unacquaintance with the subject. Mr. Froude tells us that the finances of Ireland were "economically managed,"[1] and Mr. Lecky assures us that the Irish Parliament put "a real check upon the extravagance of the Executive".[2] A short examination will show us that these assertions are directly opposed to the truth, and that, from about the middle of the century, the Irish Parliament, for purposes of its own, deliberately set itself to squander the resources of the kingdom, and to accumulate a National Debt which need never have existed. The country gentlemen of Ireland, says Arthur Young, "have regularly in Parliament promoted all those visionary and expensive projects, set on foot by interested people, for giving premiums and bounties to the amount of an hundred thousand pounds a year, and which alone accounts for the whole of the National Debt and declining revenue, which will make many new taxes necessary."[3]

[1] *English in Ireland*, Book V., c. 1. Yet, in the next chapter, he states that £150,000 a year was lost to the Government out of the customs by "various forms of peculation".

[2] Vol. ii., p. 313.

[3] *Tour in Ireland*, ii., p. 272.

In 1747, the King announced to the British Parliament that the French had made overtures of peace, and in the following year the treaty of Aix-la-Chapelle was concluded. This peace poured a flood of wealth into Ireland, which enabled her to pay off her national debt, which in 1747 amounted to £314,304,[1] within the short space of five years. It ought to be mentioned here that Parliament sat every second year, and that the charges of the Government, previous to the year 1784, were always made up for two years.

In 1749 the revenue rose so considerably that a surplus of £220,241 remained in the Treasury after all the expenses of Government had been defrayed.[2] The King desired that a portion of this surplus should be applied to the diminution of the national debt, and a motion to this effect was made by his Attorney-General in the Commons. Heads of a bill, which afterwards became law, were drawn up by the Commons for the payment of the sum of £128,500, in which there was the following recital. "Whereas . . . a considerable balance remained in the hands of the vice-Treasurers . . . unapplied, and it will be for your Majesty's service and for the ease of your faithful subjects . . . that so much thereof as can be conveniently spared, should be paid, agreeably to your Majesty's intentions, in discharge of the aforesaid national debts; we pray, etc."[3] The surplus arose from a great increase in the hereditary revenue and in the additional duties, but principally in the former. As it arose from an increase in the King's revenue and in duties which had been granted to him without appropriation, it is clear the disposal of the surplus was

[1] *Commons' Journals*, vol. IV., pt. i., p. 529.

[2] Clarendon, *Revenue and Finances of Ireland*, p. 100; Campbell, *Constitution and Government of Ireland*, p. 366.

[3] 23 Geo. II., c. 2.

lodged in the King. However this may be, the recital in the Act was an acknowledgment of his right to interfere in the disposal of the surplus, and of his consent having been communicated to the Commons before they drew up the heads of the bill.

In 1751, the revenue was still more productive, and a surplus of £248,396 remained in the Treasury.[1] The King, having been informed that it had been doubted whether his consent was necessary to the disposal of the surplus, laid the matter before all the judges in England. Their unanimous answer was that his previous consent was part of the Royal prerogative in the disposition of the money.[2] On opening the session, the Lord-Lieutenant told the Commons "that His Majesty would graciously consent and recommended it to them that such part of the money remaining in the Treasury as should be thought consistent with the public service be applied to the further reduction of the national debt".[3] The Commons thanked the King, but took no notice of his consent. They drew up heads of a bill for the application of £120,000 to the payment of the debt, but omitted all mention of the King's consent. When the bill was transmitted to England,, the omission was there supplied, and the word "consent" inserted in it. The bill, so altered, passed both Houses without an objection or a single negative.[4] This was the second Irish legislative acknowledgment that the King's consent was necessary to the disposal of a surplus.

[1] Campbell, p. 366. Clarendon says: "Had the sums left to lie in the hands of the collectors, and the surplus in the Treasury, beyond what was necessary for the current services, been applied to the payment of the debt, it appears that there would have been no less than £22,370 to spare after satisfying every demand" (p. 100).

[2] Clarendon, p. 101; Campbell, p. 366.

[3] Lord Macartney, *Account of Ireland*. These words are repeated in the Act, 25 Geo. II., c. 2.

[4] Lord Macartney; Campbell, p. 367.

In 1753, the surplus in the Treasury amounted to £315,822.[1] At the opening of the session, the Lord-Lieutenant in his speech repeated exactly the same words of His Majesty's consent and recommendation as in the previous session. The Commons in their address omitted the word "consent," but expressed their sense of the King's recommendation. Heads of a bill were drawn up by them for applying £77,500 or so much thereof as should be sufficient to discharge the remainder of the debt and for other purposes. In these heads the Commons mentioned neither the King's consent nor his recommendation. The bill was returned from England with the word "consent" inserted according to the form of the preceding session. It was thrown out by a majority of five—122 to 117—because the King's consent was mentioned in it.[2] Notwithstanding the rejection of the bill, the King sent over his letter for the payment of the remainder of the debt out of the balance in the Treasury.[3]

The revenue still continued to rise, and in 1755, the accumulation was so great, that the Committee of Accounts voted the amount of the surplus to be no less than £471,404 5s. 6⅛d.[4]

The Commons, finding themselves foiled in their attempt to get into their own hands the disposal of the surplus in the Treasury, now resolved that a surplus should never again be found there. It became a maxim to depress the hereditary revenue in every possible way, and, under the

[1] Clarendon, p. 102; Campbell, p. 367.

[2] "This conduct, however popular at that time, has since been considered as an effort of party to obtain power (Clarendon, p. 102); "At this time a powerful faction in Parliament wanted to force themselves into place and power; and so artful were they that the people became at once the tools and dupes of *their* ambition" (Campbell, p. 367).

[3] Macartney; Campbell, p. 367.

[4] Clarendon, p. 102; Hutchinson, *Commercial Restrictions*, p. 38.

pretence of encouraging the improvement of the country, to multiply parliamentary grants. To carry out this object, the Commons entered upon a flagitious system of jobbery which has never been paralleled in any other nation.

The evidence which discloses the universal jobbery thus inaugurated by the Irish Commons is overwhelming. Clarendon tells us "the prevailing party in the House of Commons, having been thwarted in their application of the redundancy in the Treasury, wished to avoid further contests of that kind, and they adopted a new line of conduct, which continued many years after . . . the object now was to multiply the parliamentary grants, ostensibly for public, but really for private uses. The system became so avowed that the Committee of Supply, which had the disposal of the public bounties, etc., was, by way of eminence, called the Scrambling Committee."[1] Campbell informs us, "the leaders of Opposition, now finding that they could not avail themselves of the surplus in the Treasury, were resolved that a surplus should never more be found there. And as the flourishing state of the revenue must keep the Crown independent of them, and consequently render a Parliament not so necessary, it became a maxim to depress the hereditary revenue by addition upon addition to the old additional duties, and to dole away the public money in a multiplicity of grants, ostensibly for public, but really for private uses."[2] Lord Macartney[3] says: "For this purpose [to prevent a

[1] *Revenue and Finances of Ireland*. p. 103. See also the weighty observations of Hely Hutchinson on this matter: "It became a pious fraud to lay every possible charge on this fund (the hereditary revenue), and with that view bounties and premiums to a very great annual amount were charged on it" (*Irish Debates*, xiii., p. 473).

[2] *Constitution and Government of Ireland*, p. 367.

[3] Mr. Lecky in vol. ii., p. 313, calls this gentleman "a very able Englishman, who was Chief Secretary under Lord Townshend". Macartney was an Irishman, born at Lissanoure, in the county of Antrim.

surplus] the House of Commons, in this session, began to appropriate a considerable part of the additional duties to their own use. This was done under pretence of encouraging public works, such as inland navigation, collieries, and manufactures of different kinds; but the truth is, that most of these public works were private jobs, carried on under the direction and for the advantage of some considerable gentlemen in the House of Commons. By this means, the parliamentary leaders perfectly answered all their views they gratified their friends, impoverished the treasury, and kept government under a constant necessity of asking supplies. . . . Since that time it has been the constant habit of the House of Commons to load the money bill with appropriations of this sort, amounting sometimes to near a fourth of the whole supplies."[1] And Lord Clare states: "The Commons took effectual care that the question [the disposal of the surplus] should not occur a second time, by appropriating every future surplus to their private use, under the specious pretence of local public improvements. Wind-mills and water-mills, and canals and bridges, and spinning-jennies were provided at the public expense, and the parliamentary patrons of these great national objects entrusted with full discretionary powers over the money granted to complete them."[2]

The Irish Commons lost no time in carrying out their new plan. In the two sessions before the year 1753, £400 in each session, that is £200 a year, was considered a sufficient bounty for public works. In the year 1753, £30,000 was granted for this purpose, and £40,000 in the subsequent session.[3] Between 1753 and 1763 the grants for public works amounted "to no less than £400,000".[4]

It soon became known throughout Ireland that money

[1] *Account of Ireland.* [2] Speech, 10th Feb., 1800.
[3] Caldwell's *Debates*, p. 377. [4] *Ib.*, p. 421.

was to be had for the asking, as, instead of offering premiums for the excellence of manufacture, large sums were granted to individuals to dispose of them as they pleased. "I find," said Sexton Pery,[1] in 1763 on the presentation of a petition for parliamentary aid, "that vast numbers of people have come from every part of the kingdom with petitions praying parliamentary aid to carry on different manufactures . . . the granting of money by Parliament on these occasions is a practice but of late years . . . I was one of those who thought it for the benefit of trade, but experience has convinced me that I was mistaken, and that it has produced an effect directly opposite to that which was intended . . . instead of granting large sums to particular persons to dispose of as they please, I think we should apply them in liberal premiums for different manufactures in proportion to their quantity and excellence. I have myself within this last few days had many petitions of the same kind with that now offered, all of which I refused to present, and shall give it as my opinion that no more should be received".[2] To this suggestion, the member who had presented the petition answered, "that he thought it very hard that his should be the first that was refused, and that he did not see why he should not have his job done as well as another".[3] Pery's motion was defeated, and the petition was referred to a committee. Thereupon, Pery presented all his petitions which he had previously refused to present, saying, "notwithstanding the division for reading this petition, I am persuaded that many gentlemen, who divided for it, must be extremely sorry to see the public money lavished away in jobs, which might otherwise be employed to public advantage". Dr. Lucas complained of the "vast sums" granted and the use made

[1] Pery was afterwards Speaker from 1771 to 1785.
[2] Caldwell's *Debates*, p. 129. [3] *Ib.*, p. 131.

of them. "I remember," he says, "a considerable sum was given last session to the proprietor of a glass house . . . who, the moment he got it, instead of setting himself to blow bottles, set his house on fire, blew it up, and then went about his business. Large sums were also given to the cambric manufactory, and the next thing we heard of it was, that the proprietors were bankrupts. One Delamain got money for making Rhone ware, and the work has been discontinued from that time to this."[1] Another member declared that jobs were universal, and that they made their appearance in the schemes for the improvement of trade, shipping, manufactures, roads, bridges, repairing fortifications, preparing armaments for fortifications before any were built, building quays and piers, canals, and river navigation. "They are found," he continued, "at the Treasury Board, the Linen Board, the Barrack Board, and in short at every other Board, nor are they ever to be missed at Grand Juries or Societies that have the disposal of money".[2] At a later period of the session, Mr. Maxwell warned the House against grants that must entail national bankruptcy, and instanced the sums spent in inland navigation to no purpose. Though, said he, £9,000 a year is now appropriated to inland navigation) "yet the parliamentary aids that have been granted for this purpose are immense. No less than £233,000 has been appropriated to that fund since the year 1753, from which the public has not hitherto received the least advantage . . . it is very strange that experience itself should not convince us that these schemes are impracticable. . . . What are the commodities that this inland navigation is to transport? Have we any towns on the banks, or near the branches of the canals, that can supply vessels with manufactures or any other article of commerce

[1] Caldwell's *Debates*, p. 133. [2] *Ib.*, pp. 136-43.

in such quantities as will make the benefit of navigation equal to the expense."[1] And the Attorney-General, after pointing out that the committee of supplies had recommended that a sum of £126,000 should be paid to the undertakers of public works in that session, declared that the difficulties, under which the nation was then struggling, "arose from the excessive grants which had taken place since the year 1753". "There was a great inconsistency," he added, "in complaining of an establishment as an insupportable burthen, and at the same time lavishing away enormous sums for the gratification of gentlemen in particular counties, for that he could not help considering many of the supposed public works wholly in that light".[2] In 1780, Arthur Young summed up the whole matter in a few words, "a history of public works in Ireland would be a history of jobs".[3] "To yourselves," he says in another place, "are you indebted for bounties on the carriage of corn, for premiums on corn-stands, for ideal navigations through bogs to convey turf to Whitehaven, for collieries where there is no coal, for bridges where there are no rivers, navigable cuts where there is no water, harbours where there are no ships, and churches where there are no congregations."[4]

In December of the session 1763-4, Mr Dawson moved that no more public money should be granted for the making of new canals, rendering rivers navigable, or improving harbours or quays, or for any new work or manufacture "till this nation is free of debt."[5] This wise and necessary proposal was rejected without a division.[6] At this time, the debt of Ireland amounted to £521,161; the richest lands in the island were "abdicated by the human species" and in the possession of flocks and herds; the peasantry, in the

[1] Caldwell's *Debates*, pp. 405-09.
[2] *Ib.*, pp. 421, 424.
[3] *Tour in Ireland*, ii., p. 130.
[4] *Ib.*, ii., p. 273.
[5] Caldwell's *Debates*, p. 549.
[6] *Ib.*, p. 553.

words of Sir James Colville had "scarcely the appearance of human creatures";[1] and the central counties were in the power and under the control of the Whiteboys. Yet, strange to say, rents had doubled within the preceding thirty years.[2] How much of this increase arose from the confiscation of the Church's property twenty-eight years before, it is impossible to say.[3]

The abuses in the collection of the revenue have been mentioned in a preceding chapter; a few facts may be added here. In the year 1684, the inland excise and ale licenses amounted to £87,367; in the year 1772, they produced only £78,217, or nearly ten thousand pounds less than they had produced eighty years before.[4] The cost of collecting the Irish revenue rose from a little more than 3 per cent in 1700 to upwards of 18 per cent in 1730.[5] In the twenty years, 1750-1770 it had increased from £69,799 in the former year to £121,933, in the latter.[6] After the Legislative Union, the cost fell to about the same average at which the revenue of Great Britain was collected. In 1808, the gross revenue of Great Britain was collected at the cost of £8 3s. 10¼d. per cent.; that of Ireland cost £8 17s. 11d.[7]

The Parliament was not content with lavishing the resources of the country on jobs and impracticable schemes. They resolved to attack the hereditary revenue, and to load it with bounties and premiums which were not in contemplation of Parliament when that revenue was first

[1] *Inquiry Concerning the Restrictions on the Trade of Ireland.*

[2] Caldwell's *Debates*, p. 593.

[3] Mr. Lecky states (iv., p. 357) that the Commons resolved, in 1763, to grant no more sums to particular persons. The resolution was limited "to this Session," and was immediately violated by grants of £1,500 to the Messrs. Nesbit, and £3,000 to Lord Longford.

[4] Campbell, p. 365. [5] Clarendon, Appendix, p. 53.

[6] Lord Macartney, *Account of Ireland.*

[7] Newenham, *View*, etc., Appendix 15.

established, or even so late as 1727.[1] The whole expense of collecting the Irish revenue was deducted from the hereditary revenue before the latter reached the Treasury.[2] The Irish Parliament desired to diminish it still more, and for this purpose enacted the most absurd law which ever emanated from a legislative body. In 1757, that is, four years after its members had determined that a surplus should never again be found in the Treasury, they passed a measure which Arthur Young declared cost the country, within seven years before 1779, more than a million sterling. Under the pretence of securing for the City of Dublin a better supply of corn and flour, they gave a bounty on the inland carriage of corn, wheat, rye, meslin, bere, barley, malt, oats, flour and meal[3] from all parts of the kingdom to the capital. The bounty took the form of a mileage according to the distance of the place of production, but at first a radius of ten miles round Dublin was excluded, which was in a short time reduced to five miles.[4] To this bounty on land carriage the Parliament afterwards added bounties on carriage to Dublin by canal or coastways. The sums spent in this way, during the period these Acts were in operation, amounted to £1,917,770, or an average of upwards of £51,000 annually,[5] all of which was not only lost to the country but in its expenditure caused infinite damage to the other industries of the kingdom.

These bounties were placed on the hereditary revenue, and the Executive was absolutely excluded from all management or interference with a large portion of the revenue which had been settled on the Crown by the Parliament.

[1] Caldwell's *Debates*, p. 423. [2] Clarendon, p. 65.

[3] 31 Geo. II., c. 3. "An Act for better supplying the city of Dublin with corn and flour."

[4] 7 Geo. III., c. 12. [5] Newenham, *View*, etc., Appendix 5.

The manner in which this was effected was as follows: The Acts made the bounties payable, not out of the money in the Treasury, but out of the revenue in the hands of the Collector of the port of Dublin, as he received it, and before he had accounted to the Treasury for his receipts. So that no matter what national difficulty arose, the corn bounty must first be paid, even if there were not funds in the Treasury sufficient to pay the troops. This case actually happened in 1779, when it became necessary to borrow from England £50,000 for the subsistence of the army. Yet in this same year the corn bounties alone,[1] not to speak of other Parliamentary payments,[2] amounted to the sum of £70,000.

Hutchinson says that the "great law," which gave a bounty on the land carriage of corn to Dublin, was due to the interposition of the Chief Governor. This statement is unfounded. The Duke of Bedford, who was then Lord Lieutenant, struggled against an Act which imposed an enormous charge on the hereditary revenue. He even offered to compromise the matter by assenting to the bounty for a term of years, but nothing would satisfy the Parliament but a perpetuity.[3] The leaders who then influenced that Assembly, promised to create a fund for the payment of the land carriage bounty, but though often reminded of their promise never fulfilled it.[4] Instead of

[1] For inland carriage, £67,864, and £2,500 for its coastway (Young, ii., p. 168); Newenham makes the sum for land carriage £67,848, and Hutchinson £67,864 (*Commercial Restraints*, p. 43).

[2] "Parliamentary payments," says Clarendon, "are chiefly composed of the grants voted in the Committee of Supply for the encouragement of arts, manufactures, erecting public buildings, etc. These grants have been sometimes carried to a prodigious excess, and in the year 1769, they amounted to no less than £118,963. Many of these grants have been considered as little better than jobs" (Append., p. 47). The Committee here named was the Scrambling Committee.

[3] Lord Macartney, *Account of Ireland*. [4] *Ib.*

doing so, they threw on the hereditary revenue fresh bounties on the carriage of corn, etc., to Dublin, by canal and coast ways.

The folly and ruinous effects of the bounty on inland carriage were exposed by Arthur Young. This writer has proved that it alone, exclusive of other bounties, cost the country the sum of £143,510 yearly, for the seven years before he wrote, or upwards of a million sterling in that short period. The arguments, which he made use of to the leading men, during his stay in the country, prevailed.[1] In 1780, the bounty on land carriage was considerably reduced,[2] and in 1797, all the bounties on the inland carriage to Dublin, with the canal and the coast bounties, were swept away.[3]

Before the administration of Lord Townshend, the Irish Parliament lasted for the life of the Sovereign, and the Viceroy resided only for a winter in every second year, while the Parliament was sitting. During the remainder of the two years, the government of the country rested in the the hands of Lords Justices. One of these was either the Primate or the Chancellor; the other two were chosen out of the great proprietors of the boroughs, who stipulated for a share in the patronage of the Kingdom, and in return undertook to carry the King's measures through Parliament. These Undertakers as they came to be called, steadily pursued the plan of diminishing the revenue of the country and the authority of the British Government. In 1760, previous to the calling of a new Parliament on the accession of George III., the three Lords Justices, the

[1] In the year 1779, I explained fully, from very detailed calculations, the mischievous tendency of the inland bounty, so much to the satisfaction of the leading men in that kingdom, that the very next ensuing session of Parliament . . . it was reduced half, to the saving of £40,000 per annum to Ireland" (*Tour in Ireland*, Append, ii., p. 348).

[2] 19 and 20 Geo. III., c. 17. [3] 37 Geo. III., c. 24.

Primate, Lord Shannon, and Mr. Ponsonby, refused to certify a money bill for transmission to England, though no Parliament had ever been called since the Revolution without the previous certification and transmission of such a bill.[1] On this occasion the British Government was firm in upholding the law, and the Justices at length submitted and certified a money bill, which, being returned, was passed in both Houses by a very large majority.[2] After the peace of Paris in 1763, when Great Britain had obtained an interval of rest, it was determined to adopt a new system in Ireland, and to break down the power of the oligarchy. The kingdom was to be freed from the Undertakers, the Lord Lieutenant was to reside permanently, and himself to distribute the Royal patronage. Lord Bristol was fixed on as the first resident Chief Governor, but he having resigned without taking possession of his Government, Lord Townshend was chosen to carry out the new policy, and came to Ireland in 1767.

When Lord Townshend arrived in Ireland, no object was more desired by the small community of Episcopalians who monopolised all political power than the limitation of the duration of Parliament; and nothing was more disliked by the Undertakers, who were well aware that frequent Parliaments would lessen their influence. Though the Commons dreaded the expense of repeated elections and the risk of rejection,[3] the pressure of their constituents compelled them to pass the desired measure in the shape of an Octennial Act, the bill for a

[1] Lord Macartney, *Account of Ireland.* [2] *Ib.*

[3] Lord Charlemont says that the law shortening the duration of Parliament "was obtained in direct contradiction to the ardent wishes of a great majority in Parliament," and gives an amusing account of the dismay caused by its passing to Mr. Ponsonby, "the principal Undertaker," and his friends (*Manuscripts and Correspondence of Lord Charlemont*, ii., pp. 24-26).

Septennial Parliament having been altered in England, to prevent the inconveniences of general elections in both countries at the same time, and to make the Act more suitable for a Parliament which met only every second year. In consequence of a clause in the Act[1] the Parliament was dissolved in 1768 and a new one summoned.

In October, 1769, the first Octennial Parliament met, and Ponsonby was elected Speaker. By this time, says Lord Charlemont, it was known to the Undertakers that Townshend's policy was to destroy their influence, and it became their favourite object to distress his Government.[2] Before the Parliament met, certain bills had been framed in the Viceroy's Council and transmitted to England as causes for calling a new Parliament. Among these was a money bill, which, being returned under the Great Seal, was thrown out by 94 to 71. The Commons, not content with acting within their undoubted powers, followed up their action by a resolution, "that this bill is rejected because it did not take its rise in this House". Thus, after an acquiescence of nearly eighty years, and in the face of the opinions of both the English and Irish judges given on a former occasion, the Commons revived their claim, that it was their sole right to originate a money bill, for otherwise their resolution would have had no meaning. The rejection of the bill was in reality the revenge of the Undertakers. The Duke of Leinster, Lord Shannon and—what could only have happened in an Irish Parliament—the Speaker himself, made every endeavour to defeat the Government, and mustered all their friends to vote against the bill.[3] Lord Townshend prorogued, but did not, as had been done in 1692, dissolve the Parliament,

[1] 7 Geo. III., c. 3. [2] *Manuscripts*, etc., i., p. 25.

[3] Lord Macartney, *Account of Ireland*.

for its action on the present occasion, in rejecting the bill, was legal, its resolution only being contrary to law.

During his administration, Lord Townshend made an attempt to secure the honest collection of the revenue, and to put an end to the peculation which prevailed in it. It was high time to set about this project, for, as has been stated before, the cost of collecting the revenue had risen from £69,779 in 1750 to £121,933 in 1770.[1] This attempt, like everything else in Irish History, has been misrepresented.

It appears from the two Acts[2] settling the Excise and Customs on the Crown in the reign of Charles II., that separate Boards of Management were in the view of these statutes. One enacted that the Commissioners of Excise should not exceed five in number; the other, that the Commissioners of Customs should not be more than seven or less than five. But the provisions of these Acts were neglected, and both Excise and Customs came to be under the direction of one board, consisting of seven commissioners, all of whom were appointed Commissioners of Customs and five only Commissioners of Excise. Lord Townshend desired that the system of separate boards, which worked well in England, should be adopted in Ireland. This scheme was put into operation in 1772 at an expense of £16,000 in the first year, seven Commissioners of Customs and five of Excise being appointed. The change was immediately followed by a very great increase in the revenue, its produce rising by a sum of £48,000 more than in the year preceding the alteration.[3] But an increase in the revenue was of all things the least

[1] Lord Macartney, *Account of Ireland.*

[2] 14 & 15 Chas. II., cc. 8, 9.

[3] Lord Macartney, *Account of Ireland.* Mr. Lecky admits this extraordinary increase, but attempts to diminish its importance by saying (iv., p. 402) that the revenue had been rising before the change. The fact is

desired by the Parliament, and, in obedience to its clamorous demands, the boards were again united in the succeeding viceroyalty and the old faulty system was revived.

If it were possible to entertain a doubt as to whether the majority of the Irish Commons were opposed to placing the finances of the country on a sound basis, their conduct in 1773 would remove it. At this time, the national debt amounted to £994,890,[1] and the revenue was falling. Rents, to an amount of about a million sterling a year,[2] were at this period remitted to Irish proprietors of land resident in England, who, as there was neither poor law nor land tax in Ireland, contributed nothing to the support of the Government. It was known that the Prime Minister, Lord North, was favourable to the idea of taxing these proprietors, and the project was popular among the dominant class which governed Ireland. Early in the session, it was proposed in the Commons that a tax of two shillings in the pound should be laid on all rents and profits payable to persons who did not reside in Ireland six months in the year.[3] The motion was rejected by 126 to 103. This tax of ten per cent. would have added £100,000 a year or perhaps more to the revenue of Ireland, without costing the country a shilling. As it was rejected, it became necessary to borrow a sum of £265,000 and to impose stamp duties for the first time.

that for the five years ending at Lady Day, 1772, the revenue had produced less by £106,621 than during the preceding five years (Clarendon, p. 110). If, as Mr. Lecky says, the revenue was rising, why was it necessary to borrow £265,000 in 1773 and to impose fresh taxes?

[1] *Commercial Restraints*, p. 47; Clarendon, Appendix 16.

[2] Arthur Young makes these rents to amount to £732,200 (ii., p. 116); but in a list of absentees published in 1785 it is stated that the remittances from Ireland to England amounted to £1,608,932 (Newenham, *Population of Ireland*, p. 169).

[3] This proposed tax must not be confounded with the tax of 4s. in the pound on the salaries, pensions, and employments of absentee office-holders.

The defeat of a proposal, which would have gone far to render the Irish revenue equal to the expenditure, was helped by a selfish conspiracy between five great Irish proprietors who resided in England—the Duke of Devonshire, Lords Bessborough, Rockingham, Milton, Upper Ossory—and their friends and connections in the Irish Commons. Edmund Burke was the penman of the conspiracy, and drew up for these Whig noblemen a letter to Lord North protesting against the imposition of such a tax.[1] Mr. Lecky terms this letter "one of the most perfect State papers of the time". In reality, it is a paltry production, and does not touch either on the necessities of Ireland or the duty of those landlords to the government which protected their property. This is not the only example of a close union between the English Opposition and members of the Irish Parliament. We have already had one in 1641, and in 1785 and 1789 we shall meet other instances of the same kind. In every case they have been fatal to the interests of Ireland.

We do not require the great authority of Adam Smith to show us the equity of a tax, which was justified by morality and the necessities of Ireland. A tax far heavier than that proposed, which would have compelled the absentees to return or to sell their lands, would have been a blessing to the country. No feature of Irish life is more repugnant than the utter contempt of duty manifested by the Irish absentees, who contributed nothing to the wealth or welfare of the nation, and acknowledged no tie between themselves and their tenants but the receipt of rent, which

[1] This is to be found in *Collectanea Hibernica*, i., p. 115, and in Plowden, i., p. 423. Burke also wrote to an Irish member a long letter against the tax, which was evidently intended to be shown to others (See Letter to Sir Charles Bingham, Arnold's *Letters and Speeches of Burke*, p. 70). Among the names of the absentees given by Arthur Young we find that of Mr. Edmund Burke with a rental of £500

they regulated by competition. If they had returned to their estates, they might have remedied the oppressions which prevailed, and encouraged improvements in an agriculture which was the worst in Europe. Almost all the disturbances, which from time to time occurred in Ireland, commenced on the estates of absentees, and nothing would have done more to tranquillise the country than the presence and authority of great proprietors. Even the writers who shut their eyes to the faults of the Irish Parliament deplore the rejection of the absentee tax. Clarendon and the author of *Collectanea Hibernica* express their astonishment at the refusal of the offer of this tax and tell us "it owed its fate perhaps more to the having proceeded from Government than to a due estimate of its advantages".[1] And Plowden says "the patriotism of the majority which rejected this seasonable relief to their country could have been neither disinterested nor pure".[2]

During the period from 1753 to 1780 Ireland presented the strangest spectacle. Some writers, when speaking of this interval, make use of such expressions as the "Irish people," "popular pressure," "feeling of nationality," etc. These expressions only mislead, and distract our attention from the real circumstances of the country. There was no such thing as an Irish people, nor was there any possibility of a concurrence of national sentiment as things existed. The vast majority of the inhabitants of the island were sullen or discontented. There could be no union between a privileged community, which monopolised all political power, and mere sojourners in the land, who were denied the rights of citizens. The Presbyterians were excluded from all public offices, civil and military,

[1] Clarendon, p. 109; *Collectanea Hibernica*, i., p. 114.
[2] *Historical Review*, i., p. 422.

above the rank of a parish constable. The Roman Catholics, among whom the old leaven of disaffection engendered by Papal teaching was working, were excluded both from office and the franchise. Universal disquiet prevailed throughout the country, as was shown by the Oak boys and Hearts of Steel in the North,[1] and the long continued insurrection of the Whiteboys in the South. All things portended the movements and disturbances which are the results of mismanagement and dishonesty on the part of rulers and of the despair of the subjects. There was no hope in a Parliament which, instead of statesmen, produced and was wholly directed by unscrupulous politicians like Ponsonby, Pery, Hutchinson and Flood, to whom patriotism and public morality meant only office and power; and who, like some of the lower animals, changed their coats and colours according as they were in Government employ or in Opposition. Newenham says with justice that throughout the greater part of the eighteenth century the Irish Parliament was not merely regardless of the welfare of two-thirds of the Irish community, but may fairly be considered as in a state of hostility with them".[2] During the period now under consideration, the Parliament, which represented less than a fourth of the inhabitants and was composed almost exclusively of Episcopalians, had taken possession of the revenue of the kingdom, and was deliberately wasting it for the purpose of enhancing its own importance and lessening the authority of Great

[1] Speaking of the Whiteboys, Lord Charlemont says: "The very same district," viz., Kilkenny, Limerick, Cork and Tipperary, "has been for the long space of seven-and-twenty years liable to frequent returns of the same disorder, into which it has continually relapsed" (*MSS. and Correspondence*, i., p. 20). A motion to inquire into the causes of these disturbances was negatived in Parliament (Gordon, ii., p. 240). Oak Boys in 1763; Hearts of Steel, 1771-73.

[2] *View, etc. of Ireland*, p. 122.

Britain, without whose protection it could not have existed for a day. The assumption by the Parliament of the right to lavish the produce of the taxes among its own creatures and dependants under the pretence of public works; and to withdraw from the revenue immense sums for the payment of preposterous and destructive bounties, introduced an epidemic of corruption unknown in any other country. The example offered by an Assembly which called itself Legislative, spread like a blight through the small and dominant caste, which alone was in a position to share in the plunder. Peculation and jobbery were universal, and were to be found in every department of the State, even in charitable institutions,[1] and such bodies as the Dublin Society.[2] The accounts, which we have from authorities which cannot be doubted, are almost incredible. "Under colour," says Lord Macartney, "of rebuilding or repairing barracks, prodigious sums of money are daily thrown away. When one chain of barracks has been finished according to a well-considered plan, a new idea totally different is perhaps entertained; other barracks must be built, and an extraordinary charge is incurred. No sooner is this scheme established, than a third is offered, entirely contrary to the two former; private solicitation is employed, the service of the public yields to the interest of the individual, and the last project is adopted and executed. Thus expense is perpetually accumulated on expense, barrack demolishes barrack; and the labour to rebuild goes hand and hand with the labour to destroy".[3] Canals were excavated through bogs where there were no towns to furnish com-

[1] "Even among the charitable institutions the practice of jobbery has been conspicuous" (*View, etc., of Ireland*, p. 33).

[2] A scandalous job by this society is mentioned in Caldwell's *Debates*, pp. 303, 304.

[3] *Account of Ireland.*

modities for transport. In 1779, fourteen miles of the Grand Canal had been finished "for the benefit of eels and skating" at a cost of "above three hundred thousand pounds, by some accounts half a million".[1] Arthur Young, when in Ireland, was there told that the canal was "a job; 'twas meant as a job; you are not to consider it as a canal of trade, but as a canal for public money".[2] Newenham says, that in 1800 it had cost three hundred thousand pounds more than the stupendous canal of Languedoc "and infinitely more than it ought to have cost".[3] For twenty years, the revenue was administered by Ponsonby, the greatest of the Undertakers, during which time the charge of management increased £50,000 a year.[4] This gentleman appointed his friends and supporters to every office connected with its collection. The salaries alone of these officers, without incidental expenses, amounted to a tenth of the gross revenue of the kingdom.[5] Lord Townshend tells us that in one year, 1769, the revenue suffered a loss of between £12,000 and £13,000 on an East Indian vessel, the cargo of which was landed in Cork harbour, and £10,000 in the tobacco duty.[6] The abuses in the collection of the inland excise were so great "by the confession of the whole kingdom" that Arthur Young recommended a total change in its administration.[7] Great frauds existed in the collection of the hearth-money; as was shown by the fact that, though the population had trebled since the reign of Charles II., and the wealth of the country had quadrupled, this tax had only risen from £42,000 in that reign to £60,000 in 1776.[8] The returns of the collectors

[1] Arthur Young, ii., pp. 125-29. [2] *Ib.*, p. 129.
[3] *View, etc., of Ireland*, p. 202.
[4] Lord Macartney, *Account of Ireland.* [5] Clarendon, p. 92.
[6] *Cal. Home Office Papers*, 1766-69, p. 497.
[7] *Tour in Ireland*, ii., pp. 223, 230.
[8] Campbell, Append., p. 414; Howard, *Revenue of Ireland*, i., p. 91.

of this tax always "fell infinitely short of the truth".[1] In 1786, even after sworn officers had been appointed, and the frauds of several collectors punished, houses to the number of two hundred thousand were suppressed.[2] "Enormous frauds" were perpetrated in obtaining the bounty on the inland carriage of corn. In some instances the bounty was paid three times over on the same corn, and in many twice; even corn which had received the bounty as having been brought coastways also received the land carriage bounty.[3] The bounties on fisheries and those on corn stands were equally abused.[4] The jobbing by Grand Juries, both in the North and South, was proverbial. "The chief object of Grand Juries," says Lord Townshend, "is to dispose of the county cesses as best suits their party views and private convenience. The sums raised by these gentlemen throughout the kingdom do not amount to less than £130,000 per annum, which is levied upon the tenantry, the lower classes of which are in a state of poverty not to be described".[5] Captain Erskine, speaking of the North, says "it is equally notorious what use is made by Grand Juries of the power given them to levy cess for making roads and bridges. Jobs upon jobs, the one more infamous than another, serve to support the interest of some leading men in the country".[6] Even the Linen Board, which was established to encourage the principal export of the nation, was made a means of impoverishing the country. Large bounties were continued

[1] Newenham, *Population of Ireland.*

[2] Commissioner Bushe, *Transactions of the Royal Irish Academy*, iii., p. 145.

[3] Clarendon, *Revenue of Ireland*, Appendix, p. 16. *Parliamentary Debates*, i., p. 230. Letter of the Commissioners of Revenue to the Lord-Lieutenant. 10 *Commons' Journals*, Appendix, p. 471.

[4] Arthur Young, ii., pp. 191, 245.

[5] *Calendar Home Office Papers*, 1770-2, p. 457.

[6] *Ib.*, p. 486.

long after bounties had ceased to be necessary,[1] and the sums granted to the Board of Trustees were misappropriated. In the four years ending with 1780, out of annual grants amounting to about £24,000, the money, unaccounted for or not properly accounted for to the Trustees by the secretaries to the Board, was £36,709.[2] While this universal jobbery and peculation were going on, the Dublin Parliament was clamouring about the pension list which they might have reduced by a vote, the poverty of the country, the burden of the Establishment, etc., without bestowing a thought on the real causes which were beggaring the kingdom, or on a peasantry which was always on the brink of starvation.

During the interval we have been considering, the Roman Catholics obtained some relaxation of the rigour of the Penal Code. In 1774, an Act was passed which enabled them to attest their loyalty before a magistrate, and to sign a declaration prescribed in the Act.[3] The declaration renounced all allegiance to the Stuart family, and repudiated the doctrines that it was lawful to murder or destroy heretics, that no faith was to be kept with them, that princes excommunicated by the Pope might be deposed or murdered by their subjects, and that the Pope was possessed of temporal or civil jurisdiction within the realm. Four years later this Act was followed by another,[4] which enabled them, provided they took the Oath and subscribed the declaration just mentioned, to hold and enjoy leases for any term not exceeding 999 years. The

[1] "It is idle and visionary to suppose that a fabrick which has employed a fourth part of the kingdom for seventy years, and exports to the amount of a million and a half annually, wants boards and bounties, and premiums, and impertinence to support it" (Young, *Tour*, ii., p. 213).

[2] Newenham, *View of Ireland*, p. 116.

[3] 13 and 14 Geo. III., c. 35. [4] 17 and 18 Geo. III., c. 49.

Act also provided that the conformity of the eldest son should not alter the estate of the parent, and that the lands then in the possession of Roman Catholics should for the future be descendable and devisable as fully and effectually as if the same were in the possession of any other of the King's subjects.

CHAPTER XV.

FROM 1773 TO THE SETTLEMENT OF 1782.

For nearly ninety years the members of the Irish Parliament had been fretting under the control of British statutes, and desirous to free themselves from what they considered a degrading subordination. The American War, and the alliances it gave rise to, were now about to furnish them with an opportunity of exacting their independence from the Power which protected them. Since the union of her two crowns, Great Britain never was so low as during the four years which preceded 1782. In 1776 America proclaimed her independence. Two years later France concluded an offensive and defensive alliance with the new United States, and agreed not to make peace without the joint consent of the contracting parties. In 1779, Spain declared war against Great Britain, and in the same year the united fleets of France and Spain, consisting of sixty-six sail of the line and numerous frigates, rode in the Channel, and an invasion was daily expected. In 1780, a Confederacy, known by the name of the Armed Neutrality, was entered into by Russia, Sweden, Denmark and Prussia, for the purpose of enforcing maritime rules which would have allowed all nations to supply the enemies of Great Britain with provisions and munitions of war. And finally, in 1781, war was declared against the Dutch, who had concluded a secret treaty with the United States, and opened their ports at home and in their West Indian pos-

sessions to American privateers. In 1780, 1781 and 1782, the memorable siege of Gibraltar was still undecided, and Great Britain had not an ally in Europe, except Portugal, nor was there a port open to her from the Baltic to the Mediterranean except Lisbon, until the general peace in the beginning of 1783.

From the year 1773, in which an absentee tax was rejected, to the Declaration of Independence in 1782, the financial condition of Ireland fell from bad to worse. In the former year, £265,000 was borrowed.[1] For the two years ending at Lady Day 1775, the expenditure exceeded the revenue by £247,797.[2] In 1777, £166,000 was borrowed. At the commencement of the session 1779-80, it was found that the revenue had declined £220,000 from the produce of the two preceding years.[3] In 1781, the expenses of the Establishment for the two years ending at Lady Day in that year, exceeded the produce of the revenue by above £480,000.[4] Though in 1778 Great Britain had relieved Ireland from paying her troops serving abroad, a saving of at least £60,000 a year,[5] the country was bankrupt. In this year, the Lord Lieutenant stopped payments at the Treasury, and suspended all pensions civil and military. In the following year, Great Britain was obliged to send over £50,000 to pay the army in Ireland, the Latouche Bank having declined to advance £20,000 to the Government to enable the troops to encamp. While the country was sinking deeper and deeper into debt and distress, the squandering of its resources was continued by the Parliament. During the ten years from 1773 to 1782 inclusive, a sum of

[1] Clarendon, p. 109.

[2] *Ib.*, p. 111.

[3] *Ib.*, p. 112.

[4] *Ib.*, p. 113.

[5] *Parliamentary History*, xx., p. 638. In 1781 Flood stated in the Irish Commons that the saving in four years had amounted to £300,000 (*Irish Debates*, i., p. 39).

£613,816[1] was thrown away in the bounty on the inland carriage of corn alone, leaving out all the other bounties and premiums. In December 1781, Mr. Foster stated in Parliament, that the bounties for the two years ending at Lady Day in the same year, exceeded the sum of £220,000, that is, £110,000 in each year.[2] If this sum be taken as the annual average, and there be added to it the losses caused indirectly by the bounty on the inland carriage of corn, which Arthur Young estimated at £143,000 a year,[3] and a further sum of at least £100,000 a year which might have been saved in the collection of the taxes, we shall gain an idea of what Ireland might have been if her resources had been honestly administered. Even without an absentee tax she would have been able to pay her way, and encourage her agriculture and manufactures: with such a tax she would have been rich.

As the Irish revenue declined and the national debt increased, it became necessary to impose fresh taxes under the name of additions to the existing duties. These pressed heavily on an exhausted country. In 1776, the necessity of war compelled the Government to lay an embargo on the exportation of provisions from Ireland, and of corn from England. The Irish embargo,[4] and the decay of the linen trade consequent on the rupture with the American colonies, aggravated the distress of the country. In 1778, the impoverishment of Ireland, shown by the diminution

[1] The yearly expenditure on this bounty is given in Newenham's *View, etc., of Ireland*, Appendix, p. 5.

[2] *Irish Debates*, i., p. 136.

[3] See his chapter on the Inland Bounty.

[4] Mr. Lecky repeats the slander that this embargo was imposed in favour of a few English contractors. A little reflection would have reminded him that an embargo was also placed on English corn, and that Great Britain opposed the Armed Neutrality to prevent the conveyance of provisions, etc., to her enemies.

of her revenue and of British exports to that country, attracted the attention of the Imperial Parliament. In April of that year, the British Commons resolved themselves into a Committee of the whole House to take into consideration the several Acts relating to the trade and commerce of Ireland. The Committee determined to relax the commercial code for the purpose of encouraging Irish trade, and with this view passed resolutions to the following effect: that all the products of Ireland, her woollens excepted, might be sent direct to the British colonies, and that all the products of the colonies except tobacco might be imported direct to Ireland; that glass manufactured in Ireland might be exported to all countries except England; that the duties on Irish cotton yarn might be repealed; and Irish sail cloth imported into Great Britain.[1] These resolutions were favourably received by both sides of the House, and bills were framed to carry them into effect; but the trading and manufacturing towns of Great Britain were alarmed at the proposals. Petitions poured into the House against granting to Ireland advantages which might affect British trade, and it was thought expedient to make a compromise between the opposers and supporters of the bills. Notwithstanding this outburst of commercial jealousy, two Acts were passed towards the end of the session which conferred substantial benefits on Irish trade. The Navigation Act was relaxed, and all ships built in Ireland were henceforth to be considered British built; an Act of Anne had opened the colonies to Irish white and brown linen; now, all her linen of whatever kind, coloured, chequered, etc., was allowed to be sent thither; as also her bar iron and ironware,

[1] This last provision was unnecessary, as the liberty of importing Irish sail cloth was already established by a law of long standing. Burke, who introduced the bill to allow the importation of this cloth, admitted his mistake in the House, saying he had discovered that such a law was already in being (*Parliamentary History*, xix., p. 1,115).

provided her Parliament imposed a certain duty on them; and cotton yarn, the manufacture of Ireland, was admitted duty free into England.[1] These concessions were not considered satisfactory in Ireland, and in some places associations were entered into against the importation of British commodities and for the encouragement of Irish manufacture.

Meantime a new and startling phenomenon had made its appearance in Ireland. In the session 1777-8, a Militia Act was passed,[2] but the extravagance of the Parliament had reduced the country to such a state of poverty that the act could not be put into operation. At this time, American privateers swarmed on the coast, and when it was known that France had entered into an alliance with the United States, an invasion was feared. The town of Belfast, which eighteen years before had experienced a foreign descent, took the alarm, and as early as April, 1778, two companies of volunteers were there raised to repel a landing.[3] The townsmen were further encouraged in their endeavours by a letter, received from the Government in the following August, informing them that there were three or four privateers on the coast, and that, as the troops were chiefly stationed in the southern counties, no substantial assistance could be immediately granted.[4] The example set by Belfast spread throughout the country, and an army unauthorised by law and uncontrolled by Government sprang into existence under the name of Volunteers. At first, the Volunteers formed themselves into independent companies wholly unconnected with each other, and consisting generally of sixty or eighty men in each locality. In this stage the

[1] 18 Geo. III., cc. 55, 56 (British).

[2] 17 & 18 Geo. III., c. 13.

[3] *Belfast Historical Collections*, p. 139.

[4] It is commonly stated that this letter gave rise to the first volunteers. This is not correct. Two companies had been enrolled four months before it was written.

highest title known among them was that of captain. They soon, however, coalesced into battalions, each with a different uniform, and the higher titles of colonel and general were adopted. The original movement was eminently spontaneous and patriotic, but, as the fear of invasion did not last long,[1] they turned their attention to political matters. As early as 1779, the doctrine that Ireland was not bound by English or British statutes, and that her Parliament was independent, prevailed among them. This was the natural result of the close connection between them and that Assembly. All their higher officers were members either of the Lords or Commons, and from them they imbibed the ideas and aspirations which had been working in the Irish Parliament since its restoration in 1692. Episcopalians took the lead in the new army, and that community was peculiarly bound to the Parliament, inasmuch as it was among its members that the resources of the country were squandered in jobs and grants of money. It may be said that they owned the Parliament as their own peculiar and separate possession, the Presbyterians being practically and the Roman Catholics entirely excluded. The Parliament resolved to make use of the Volunteers, not that the members of either House ever dreamt of drawing a sword against Great Britain, for they knew too well that without her protection all they held dear would be endangered, and the government of Ireland pass into other hands. They hoped by a show of force to extort a recognition of their legislative independence from her, weakened, solitary and depressed as she then was.

The Irish Parliament met on the 12th of October 1779, and on the following day the Commons drew up an address to the King, declaring "that it is not by temporary ex-

[1] Rodney's victory over the Spanish squadron, off Cape St. Vincent, in February, 1780, dissipated the fear of an invasion.

pedients, but by a free trade alone that this nation is now to be saved from impending ruin".[1] At the same time, a resolution was passed that the members, with their Speaker at their head, should attend the Lord Lieutenant, and request him to lay their address before the King as the act of the House. Accordingly, on the 14th, the Volunteers of Dublin under arms lined the streets as the Commons passed through their ranks to present their address. The King's answer to it, which arrived on the 1st of November, satisfied the Commons,[2] but was very far from having that effect on the Volunteers and populace of the city. Three days later, that is, on the 4th, the Volunteers of Dublin and the adjacent districts paraded round the statue of King William in College Green under the command of the Duke of Leinster. The pedestal was covered with such devices as "relief to Ireland", "a short money bill", "fifty thousand prepared to die for their country" etc., and two cannon stood beside the statue with the inscription on each "a free trade or this". On the 15th, a vast mob armed with swords and pistols attacked the house of the Attorney-General, who had censured the demonstration of the 4th, and, not finding him there, proceeded to the Parliament House, where they compelled each member, as he drove up, to alight and swear to vote for a short money bill and against fresh taxes. The next day, the ruffled Commons passed resolutions against assaulting, insulting, or menacing any member for his behaviour in Parliament, and against tumultuous assemblies hindering or promoting any bill or other matter before the House, and petitioned the Lord Lieutenant to issue a proclamation offering a reward "for

[1] *Commons' Journals*, pp. 10, 12.

[2] "Resolved, *nem. con.*, that an humble address be presented to his Majesty to return our most sincere thanks to his Majesty for his most gracious answer to the address of this House" (*Ib.*, p. 17).

the discovery of the persons so assembled or of such persons as may have excited and encouraged them thereto ".[1]

The cry of the mob was taken up in Parliament. On the 24th, Grattan moved "that at this time it would be inexpedient to grant new taxes," and the motion was carried by 170 to 47. On the 27th, the Commons agreed to resolutions limiting the supplies to six months instead of two years. The nation was at this time liable to the payment of life annuities at the rate of 6 per cent. for the sum of £400,000, and also to other annuities at the rate of 7½ per cent. for the further sum of £300,000. Common justice required that the duties set apart for the payment of these loans, on which the credit of the country depended, should be continued for the usual period, but the Irish Commons did not take this view, and the loan duties were only granted for six months.[2]

The peace of Ireland required that the demands of her Parliament should be conceded. At the commencement of the session of the Imperial Parliament in November 1779, addresses were presented to the king by the Lords and Commons praying him to take into his most serious consideration the distressed condition of Ireland. On the 13th, Lord North in a committee of the Commons brought forward his proposals in favour of Irish trade; to repeal the Acts which prohibited the exportation of Irish woollens, and of her glass manufactures, and to grant free trade with the colonies on equal terms with the merchants of Great Britain. Bills founded on the two first proposals were framed and passed immediately. The third was postponed till after Christmas, as being a matter of complexity, on which it was desirable to consult with the Parliament in Ireland. Early in the following year it also became law.

Thus all the demands of the Irish Parliament were

[1] *Commons' Journals*, x., p. 27. [2] *Ib.*, p. 36.

conceded. As the Irish woollen manufactures were now allowed to be exported, the international compact of 1698 fell to the ground. Great Britain might, with justice, have discontinued her differential duties in favour of Irish linen, which were a source of great annual loss to herself, and also her bounty on its exportation from England. By merely placing Irish linen on the same footing as foreign, she would have destroyed the exportation of Ireland's principal staple. But she acted more generously and continued her favours to that manufacture, and in addition granted a free trade with her colonies. This was a great and unexampled boon. In every nation of Europe the mother country was considered to possess an exclusive right to trade with her colonies, and to forbid all other nations from having any intercourse with them. As Lord North said, such an exclusive right was of the very essence of colonisation, for no nation would spend its blood and treasures to establish a colony and protect it in its infant state, if other countries were to reap the fruit of its labour, hazard and expense.[1] Before her Union with England, Scotland admitted that she had no claim to share in the colonial trade as long as she continued separate. But the Irish Parliament felt no gratitude for a gift which no other nation would have made, nor for the continuation of the protection of the linen trade.

A few weeks after the colonial trade had been opened,[2] Grattan moved "that the King, with the consent of the Parliament of Ireland, was alone competent to enact laws to bind Ireland". In the debate which ensued, two members only, the Attorney and Solicitor-General, supported the legislative supremacy of Great Britain. Though the general voice was against the binding effects of English

[1] *Parliamentary History*, xx., p. 1,279. [2] 19th April, 1780.

or British statutes, the House adjourned, having agreed that the proceedings should not be entered on its journals.

The speech of Grattan on this occasion merits attention. He thus described the relative position of Great Britain and Ireland at that time. "England now smarts under the lesson of the American War . . . her enemies are a host, pouring upon her from all quarters of the globe; her armies are dispersed; the sea is not hers; she has no minister, no ally, no admiral, none in whom she long confides, and no general whom she has not disgraced; the balance of her fate is in the hands of Ireland; you are not only her last connection, you are the only nation in Europe that is not her enemy. With you every thing is the reverse; never was there a Parliament in Ireland so possessed of the confidence of the people; you are the greatest political assembly now sitting in the world; you are at the head of an immense army." He then advised Ireland "to continue in a state of armed preparation, dreading the approach of a general peace, and attributing all she holds dear to the calamitous condition of the British interest in every quarter of the globe". If, while reading these words, we consider that Grattan himself[1] and all whom he addressed, were convinced that the Protestant Parliament and the Protestant colony could not exist without the protection of Great Britain, we may well wonder at the extravagance of the speaker. To call a Parliament, which could not defend itself without the protection of another State, the greatest political assembly in the world; and to invite that Parliament to exult in the misfortunes of the protecting Power, was a mixture of folly and baseness rarely equalled.

[1] "Mr. Grattan acknowledged himself to be perfectly of opinion with his right honourable friend (Mr. Daly) that Ireland could not exist as a Protestant State but for the protection of Great Britain" (Woodfall's *Report of the Debate on the Commercial Propositions*, 1785, p. 189).

The doctrine that Ireland was not bound by British statutes gave rise to very dangerous consequences. The British Mutiny Act, which included Ireland, could not be enforced, and magistrates refused to act under it. The Irish Parliament was resolved to have a Mutiny Act of its own, and to assume the power of regulating the army, although a British law for the same purpose was in existence. Accordingly, heads of a bill "for punishing mutiny and desertion, and for the regulation of the army" were introduced into the Commons in May, and passed in June with the title changed to "Heads of a bill for the better accommodation and regulation of His Majesty's army in this kingdom".[1] Having been sent to England, it was returned in August with the provision limiting its duration to two years struck out, thus making it perpetual.[2] On the 16th of the same month, a motion was made that the part expunged in England should be restored. Grattan supported the motion, and declared that the bill, if passed as it had been returned, would render the army independent of Parliament, and reduce Ireland to a state of slavery; and that too, at a time when the Volunteers were daily reviewing and parading. Notwithstanding his efforts, and though he threatened to secede from Parliament and appeal to the people, the bill passed by a great majority.[3]

Grattan's fears were chimerical. The Irish Act differed greatly from the British Act. The latter granted an army to the Crown, assigned the money for its maintenance, and regulated its conduct. The Irish Act did not grant a single soldier, or a shilling for the payment of the army, but merely

[1] *Commons' Journals*, x., p. 152.

[2] In consequence of the acceptance by Great Britain of this bill, the name of Ireland was left out of the British Act next year. Fox objected to the omission (*Parliamentary History*, xxi., p. 1,292).

[3] *Grattan's Life*, ii., pp. 97, 125.

regulated the conduct of the soldiers. The grant of men and of the money to support them was effected by the bills which granted supplies.[1] It is not therefore true that the perpetual Mutiny Act placed the government of the army beyond the power of Parliament.[2] The Act was a dead letter until the Parliament had granted a certain number of men and the funds to maintain them, thus calling an army into existence. If the Parliament had declined to renew the sessional grants of men and money, there would have been no army upon which the Act could have worked. As the Parliament created the army, it necessarily possessed the power of dissolving it at the commencement of every biennial session. As to the objection of its being perpetual, it is obvious that a law, depending upon another limited in duration, could not itself be properly considered as perpetual.

With the Mutiny Bill, another for regulating the sugar trade was also returned from England with alterations. The original bill had imposed a duty of 12s. 6d. on every hogshead of refined sugar imported from Great Britain. This duty was reduced in England to 9s. 2½d.[3] Notwithstanding the alteration, the bill became law, to the great indignation of the Volunteers and the Irish refiners, for whose protection the larger duty had been inserted in the bill. The acceptance by the Parliament of the two amended bills gave rise to a serious quarrel between that Assembly and the Volunteers of Dublin, who met and denounced the

[1] *Irish Debates*, i., pp. 54-70.

[2] "A perpetual Mutiny Act passed, thus placing the government of the army beyond the power of Parliament" (Lecky, iv., p. 514). Mr. Lecky is also mistaken in stating that the Irish Bill was originally limited to one year. The Session of Parliament was biennial, and the bill was, therefore, also biennial.

[3] See the petitions of the Sugar Refiners, *Commons' Journals*, x., pp. 186-191.

majority which had passed the altered bills. The resolutions at these meetings were brought before the Commons, and were voted to be "false, scandalous, seditious and libellous, grossly aspersing the proceedings of Parliament, and most manifestly tending to create discontent amongst his Majesty's subjects, to withdraw them from their allegiance to the laws of the realm, and to subvert the authority of the Legislature of the kingdom". The Commons also petitioned the Lord Lieutenant to give orders for the effectual prosecution of the printers and authors of "those infamous publications" when discovered.[1]

In February of this year, 1780, a bill to secure the independence of the Judges was sent over to England, but was not returned. Later in the session, a motion that leave be given to bring in heads of a bill to modify Poynings' law was defeated.[2] By far the most important Act passed in this session was a short one consisting of one clause, by which the long continued civil disabilities of the Presbyterians were removed.[3] A clause to the same effect had been inserted in the Roman Catholic relief bill of 1778, but was struck out in England. This has been attributed to a desire to punish the Presbyterians for their sympathy with the American colonies, but it is far more likely that it proceeded from a fear that its retention would endanger the bill. Ever since the reign of Anne, the British Government had been endeavouring to induce the Irish Parliament to abolish these disabilities, and a sudden change of front on the question is most improbable. It was known that there were two factions in the Irish Assembly, one unwilling to make concessions to the Roman Catholics, the other hostile to the Presbyterians, which might unite to wreck the bill. In 1778, the Government was sincerely

[1] *Commons' Journals*, x., pp. 194, 195.
[2] *Ib.*, x., p. 114. [3] 19 and 20 Geo. III.. c. 6.

desirous to afford the same relief to the Irish, which they had just granted to the English, Roman Catholics. Lord North spoke strongly on this subject in the British Commons; "he declared he would with all his heart concur in any measure that could tend to answer so desirable an end [indulgence to the Roman Catholics of Ireland], but it was not their province; it was the province of the Parliament of Ireland; the laws which were so severe against the Roman Catholics had originated there, and redress of domestic grievances should of right originate likewise from them".[1] These words were spoken on the 7th April, 1778, and in the following June, the Irish adopted the example of the Imperial Parliament.[2]

The state of the Irish finances in the year 1780 was lamentable. On the 24th of May, the Speaker informed the Lord Lieutenant in his address that the Commons had "borrowed a sum of £610,000 to discharge the arrears of the Establishment".[3] This payment of debts which ought never to have existed, and which were the result of the wilful mismanagement of the national resources by a Parliament which represented only a privileged class, has been perverted into the most liberal grant ever made to the Crown, and a concurrence of all parties "for the support of the general interests of the Empire".[4]

The session was closed on the 2nd of September 1780 by a prorogation to October in the same year, and by further prorogations to October in the following year.

During the first nine months of 1781, the volunteers were busy organising their forces, establishing co-operation

[1] *Parliamentary History*, xix., p. 1,112.

[2] Yet Mr. Lecky assures us that the relief of the Irish Roman Catholics was not due to the Government, but to the independent members of the Irish Parliament (iv., p. 477).

[3] *Commons' Journals*, x., p. 142.

[4] Lecky, iv., p. 512.

between the different corps, and holding reviews. In September, on a report of an intended invasion, they offered their services to the Government. When the Parliament met on the 9th of October,[1] it became at once clear that a great change had come over that Assembly. The renunciation by Great Britain of her legislative supremacy, implied in her acceptance of an Irish Mutiny Act and the omission of the name of Ireland from the British Act, showed to the majority of the Commons that she acquiesced in the claims of the Irish Parliament. The members of this Assembly were satisfied with what they had wrung from the necessities of Great Britain. Many of the leading men were alarmed by the language held outside the walls of Parliament, and by the fact that the country was in the hands of armed politicians. The chief agitator among them, the Duke of Leinster, had, shortly before the commencement of the session, offered his support to the Government,[2] and the House itself displayed "much good temper towards his Excellency and Mr. Secretary, and a disposition towards Great Britain less suspicious than was ever known, and tending almost to cordiality".[3] During the entire viceroyalty of Lord Carlisle, which lasted from the beginning of 1781 to April 1782, the Commons manifested a strong disinclination to follow the counsels of Grattan and Flood, and every measure proposed by them was rejected by large majorities. Grattan was a narrow fanatic, who believed that the independence of the Irish Parliament was a panacea for all the evils of the country. But Flood was thoroughly unscrupulous, without convictions, save those which centred

[1] From the commencement of this session we have reports of the Irish debates up to 1800.

[2] *Beresford Correspondence*, i., p. 148. The duke also about this time moved a resolution in the Lords against further agitation.

[3] Eden to Lord North, *Ib.*, i., p. 174.

in himself. Some time before the 3rd of September, Flood was informed by the chief secretary that the great office of Vice-Treasurer would be taken from him,[1] and from that time he displayed the greatest animosity to the Government, exerting himself on every occasion to excite a jealous distrust of Great Britain, and to foment suspicion of her intentions. Though he was frequently taunted with his former silence and his present zeal, his inordinate vanity would not allow him to see the ill-concealed contempt of the House.[2]

On the 8th of November, when the order of the day, for the House to resolve itself into a committee of supply, was read, Flood moved that the order should be adjourned. He then entered upon a long statement deploring the condition of the country, recapitulating the popular questions on which he had formerly opposed the Government, and claiming the credit of a disinterested attachment to the people. Flood was obliged to explain away some expressions he had made use of, and was defeated by 155 to 49.[3]

On the 13th of the same month, Grattan moved that leave be given to bring in heads of a bill to explain, amend, and limit the Mutiny Act. The motion was seconded by Flood. Grattan said that he rose to vindicate Magna Charta, and called upon the House to teach British privileges to an Irish Senate, but he did not advance a single solid argument against the existing Act, nor did he attempt to show that it granted either soldiers or money to the Crown. Flood was still more unhappy. His arguments went against the introduction of a new or any mutiny bill

[1] Eden to Lord North, *Beresford Correspondence*, i., p. 181.

[2] On one occasion Flood compared himself to a lion shaking the dewdrops from his mane (*Irish Debates*, i., p. 311).

[3] *Irish Debates*, i., pp. 38-44; Lord Carlisle to Lord North, *Beresford Correspondence*, i., p. 182.

whatever. When it was objected that his arguments proved too much, he was weak enough to rise and say "that he did not mean to use the arguments in their full extent". The general feeling was well expressed by another member: "All the eloquence and abilities of the House could not persuade dispassionate hearers, that a bill to regulate an army, which at the same time did not levy or maintain a single soldier, could be a proper subject for mistrust or indignation". Grattan's motion was rejected by 133 to 77.[1]

Flood thought that he could succeed where Grattan had failed. Accordingly on the 29th, though the matter had been already considered and settled in the session, he moved "that a law of indefinite duration, with the aid of the hereditary revenue, was repugnant to the principles of the British constitution". But on its being pointed out that this would be a resolution of one branch of the legislature against the law of the land, he withdrew his resolution and brought forward a substantive motion, "that leave be given to bring in heads of a bill for punishing mutiny and desertion, and for the better payment of the army and their quarters". The motion was contrary to the rules of Parliament, and was rejected by 146 to 66.[2] It was on this occasion that the Attorney-General convulsed the House by his story of the parish clerk, Harry Plantagenet, reflecting on Flood's long silence, while in office, and his present clamorous opposition. The Attorney said, that his story applied "to every man who cannot be quiet without expense or angry without rebellion".

Yelverton had given notice that he would bring forward a motion respecting Poynings' law on the 5th of December. In the meantime news had arrived of the surrender of Lord Cornwallis at Yorktown on the 19th of the previous

[1] *Irish Debates*, i., pp. 51-70; *Commons' Journals*, x., p. 251.
[2] *Irish Debates*, i., pp. 106-19; *Commons' Journals*, x., p. 270.

October. Yelverton, with great good feeling, immediately deferred his motion, and proposed that an address should be presented to the King, expressing unalterable loyalty and attachment to his person and government. Amendments to the address were moved by Flood and Mr Ogle. But the House was in no humour to listen to amendments. Flood's was negatived without a division, and Ogle's was rejected by 167 to 39. The original motion was then put and carried by 167 to 37, Grattan being one of the tellers for the minority.[1]

On the 7th of December, Grattan moved "that a committee be appointed to inquire into the state of the public expenses, and the best means of retrenching the same". Retrenchment of expenditure was of all things the most necessary for Ireland. A month before this motion of Grattan, the House had resolved that the national debt amounted to £1,551,704, and that in addition "the nation is liable to the payment of certain life annuities at the rate of £6 per cent. for a sum of £440,000, and . . . to the payment of certain other life annuities at the rate of £7 10s. per cent. for a further sum of £300,000".[2] If a competent man had introduced the motion, some good might have been effected; but, unfortunately, Grattan was incapable of acquiring exact knowledge either in financial or commercial matters. He started with two great blunders. He compared the expenditure in time of war with that in peace, and included in the expenses of Government the sums granted by Parliament in premiums and bounties, though the Government had no control whatever over the latter. Grattan's motion was negatived by 143 to 66.[3] In this debate, two remarkable statements were made and not contradicted. Foster, in his

[1] *Commons' Journals*, x., p. 270; *Irish Debates*, i., pp. 119-129.

[2] *Commons' Journals*, x., p. 243.

[3] *Ib.*, x., p. 273; *Irish Debates*, i., pp. 131-149.

answer to Grattan, asserted that the bounties for the two years ending at Lady Day 1781, exceeded £220,000, and a son of Hutchinson declared that the whole cost of the civil Establishment was less than the sum spent on bounties by £20,000 a year.

Flood, restless under the indifference of the House, and desirous of regaining his old popularity, resolved to anticipate Yelverton's motion respecting Poynings' law. On the 11th, he moved that a committee should be appointed to examine precedents, records, and other evidence touching that law, and also the Act of Philip and Mary explaining it. Flood was defeated by 139 to 66. When, a few days later, Yelverton introduced his motion, it passed without a division.[1]

An outside Parliament was now about to make its voice heard. On the 28th of December, the officers of the Southern battalion of the first Ulster regiment met, and having declared that they beheld with the utmost concern the little attention paid to the constitutional rights of Ireland by the majority in Parliament, they invited every Volunteer Association throughout Ulster to send delegates to deliberate on the alarming situation of public affairs, and fixed on the 15th day of February, 1782, for a meeting of the delegates at Dungannon. In response to this invitation, representatives of 143 corps of Ulster Volunteers met on the day appointed, and adopted numerous resolutions declaring the independence and finality of the Irish Legislature. They also addressed a letter to the minority in Parliament, thanking them for their noble efforts in defence of the rights of the country, and informing them that "the almost unanimous voice of the people is with you".[2] Encouraged by the

[1] *Commons' Journals*, x., p. 275; *Irish Debates*, pp. 147-170; The *Debates* make the minority 67.

[2] *Belfast Historical Collections*, pp. 180-185.

support of the Volunteers, Grattan, on the 22nd of the same month, moved an address to the King, declaring the rights of Ireland and suggesting a renunciation of the legislative supremacy claimed by Great Britain.[1] But the House was satisfied with the concessions already made, and when the the Attorney-General proposed to adjourn the consideration of the address to the month of August, the motion passed by 137 to 68.[2]

It was evident that the House would not assent to a declaration of rights. Its members were afraid of rousing Great Britain, and of turning her long-suffering forbearance into indignation. In reading the account of the so-called struggle for independence, we must remember that by far the greatest part of it was mere fustian and bravado. The revolt of the little Episcopalian colony was eminently unreal. The individuals composing that community knew in their hearts that England had held, and that Great Britain now held them in the hollow of her hand, and that they owed to her everything they possessed, their estates, their seats in Parliament, and their ascendency. No declamation could hide from them the fundamental fact that Great Britain was the paramount protector of both the Protestant colonies,

[1] Grattan's constitutional arguments on this occasion were absurd. He quoted the words of an English Act embodied in an Irish statute, as expressive of the wishes of an Irish Parliament, though that Parliament, in the embodying statute, declared that the English Act was intended to bind Ireland (28 Henry VIII., c. 21, s. 19). And also quoted two alleged early Irish Acts, which no one had ever read, the only evidence of their existence being a statement of Sir Richard Bolton that he had once seen an exemplification of them in the treasury of Waterford. Grattan's arguments were taken from a treatise of Patrick Dovery, who was a member of the Rebel Council at Kilkenny in 1641. It was from this source also that Molyneux derived his arguments. It is evident that no argument can be drawn from the Acts of a provincial assembly, which, up to the time of Henry VII., was entirely in the hands of Lord-Lieutenants or Deputies, and only assumed a Parliamentary form in the reign of James I. In addition, it must be remembered that three conquests subsequently took place, each giving rise to a new order of things.

[2] *Commons' Journals*, x., p. 307; *Irish Debates*, i., pp. 262-276.

more especially of the weaker one, which in 1647 was unable to defend Dublin against the Irish, and in 1688 was scattered as chaff before the wind. A short consideration of the possibilities which might have happened, leaving out that of a fourth conquest, will show us that Great Britain was the Supreme Power which defended them, and enabled them to hold their position in a country, where the vast majority of the inhabitants were hostile to them. If Great Britain, whose legislative authority they were now disclaiming, had repealed the English Act[1] which excluded Roman Catholics from their Parliament, and had opened the counties, cities and boroughs to that community, a very short period would have seen the end of a Protestant Parliament; and the insincere oratory of rhetoricians with no political foresight would have been silenced for ever. Where then, it may be asked, would have been the challenge that Ireland was not bound by British laws, in the presence of three millions of Roman Catholics resolved to uphold the opposite doctrine and the new policy. Or, if Great Britain had withdrawn her protection and left Ireland to herself, the Roman Catholics would have called in a foreign Power, and the Protestant constitution would have vanished like a wreath of smoke. Or, thirdly, if the great confederation against Great Britain had been successful, and she had been obliged to cede Ireland to France or Spain, the Roman Catholics would have been entrusted with the government of the country, and would have set at nought every Act, English, British or Irish, which secured to the Protestants their rights and estates. All these things were not hidden from those who were now vapouring about their indefeasible rights. Like undutiful children, they were forward to play on the indulgence of the mother, and to press her with demands in her distressed condition, but their fears restrained

[1] 3 Will. and Mary, c. 2.

them within well-defined limits. The idea of fighting for their independence never occurred to them. Lord Clare, who, when a commoner, was an advocate for the independence of the Dublin Parliament in 1782, afterwards declared, "I can assert with perfect confidence that no gentleman of Ireland would at that day have drawn his sword against Great Britain".[1]

Three days after Grattan had been defeated, Flood brought forward the same question in an altered form. On the 25th of February, he declaimed on the rights of Ireland and then moved "that this House is the only Representative in Parliament of the people of Ireland". An amendment was proposed for the purpose of defeating the motion, *viz.*, to prefix to it the words "that it is now necessary to declare". This was carried, and the amended motion, "that it is now necessary to declare that this House is the only Representative in Parliament of the people of Ireland," was put and negatived by 132 to 76.[2]

On the 14th of March, 1782, the House adjourned, Grattan, who knew that Lord North's government was breaking up, having carried a call of the House for the 16th of April. Six days after the adjournment of the House, Lord North in the British Commons announced that his ministry was at an end,[3] and Lord Carlisle, the most popular and respected viceroy since the revolution, was recalled. The Duke of Portland was sent over to replace him, and arrived in Dublin on the 14th of April, two days before the re-assembling of the House. The new ministry desired a further adjournment of a fortnight or three weeks, to enable the Duke to become acquainted with the present state of Irish affairs, and to consult with the leading men of

[1] Speech, 10th Feb., 1800.

[2] *Commons' Journals*, x., p. 307 ; *Irish Debates*, i., pp. 277-80.

[3] *Parliamentary History*, xxii., p. 1,215.

the country.[1] Their object was, to arrive at a final and complete settlement of all the questions between the two countries, and to establish their connection on a broad and permanent basis to the mutual satisfaction and the reciprocal interests of both.[2] But Grattan, who had nothing of the constructive statesman in his composition, hurried the matter forward, and refused to grant any time for consideration. When the House met on the 16th, Hutchinson, who was then Secretary of State, delivered the Lord Lieutenant's message in the King's name, "His Majesty, being concerned to find that discontents and jealousies are prevailing among his loyal subjects of this country upon matters of great weight and importance, recommends it to this House, to take the same into their most serious consideration in order to make such a final adjustment as may give mutual satisfaction to his kingdoms of Great Britain and Ireland." George Ponsonby then proposed that an humble address should be presented to the King, thanking him for his message, and assuring him that the Commons would immediately proceed to consider the objects he had recommended. Grattan moved an amended address, demanding the complete independence of the Irish Parliament, and the repeal of the 6th of Geo. I.[3] The amended address was adopted unanimously. Shortly after, the King communicated the address of the Irish Commons, and a similar one from the Irish Lords, to the Imperial Parliament, and the obnoxious Act was repealed.[4]

Thus, to use the language then and now prevalent, Ireland gained her independence; but the truth is, that

[1] Lord Rockingham to Charlemont, 9th April, *Manuscripts and Correspondence of Lord Charlemont*, i., p. 53.

[2] *Ib.*

[3] The first proposal to repeal this Act was made in the British Commons on 25th Jan., 1780, by the fanatic Lord George Gordon (*Parliamentary History*, xx., pp. 1,312-14).

[4] By the 22nd Geo. III., c. 53.

Ireland, if that term means the inhabitants of the island, had very little to do with the transaction. What had taken place really amounted to this: the Episcopalian Parliament, which practically represented only a small dominant and privileged caste, had obtained a free hand to govern Ireland according to its lights. The members of that caste had an immediate and private interest in the maintenance of a Parliament which distributed among them, in some form or other, a large portion of the general taxes, and encouraged a system of extravagant profusion. There was not one of them, possessed of a vote, or any influence in the numerous boroughs scattered over the country, who might not hope to share in the spoils of corruption. This was, with many of them, the ground of their attachment to their local Parliament, and of their desire that its action should be wholly uncontrolled. Hence it is, that we find among them a constant and steady opposition to its incorporation with the Imperial Parliament, though no such feeling existed among the Presbyterians and Roman Catholics, who had nothing to lose by the change. It required a rebellion, with its development in the South into a war of religion, to convert a majority of them to the belief that a Legislative Union was necessary for the peace of the country.

The demand for independence was put forward on false pretences. It was advanced in the name of the Irish nation. But the vast majority of the inhabitants of the country were strangers to the claim. One alone of the three communities which dwelt in Ireland, namely, the small body of Episcopalians, had made the demand. Having obtained the independence they desired, they declined to extend the advantages of the concession to the Roman Catholics, who were then eight times more numerous. As if to manifest to the world that the benefits of the new measure were to be exclusively their own, they hastened to

pass an Act,[1] which had been drawn by Grattan and two others, which provided that all clauses in English Acts relating to oaths and declarations should be in force in Ireland. By this provision, the English Act of William and Mary, which excluded Roman Catholics from Parliament, was extended to Ireland. "Spirit of Swift, spirit of Molyneux," exclaimed Grattan, "your genius has prevailed; Ireland is now a nation!" But what a nation! if that term could be applied to a country inhabited by three discordant communities, between which there was no bond of union whatever.

Some excellent Acts were passed in this session. Two granted further relief to the Roman Catholics, who were now allowed to purchase and bequeath lands as Protestants, to open schools, and to become guardians to children of their own denomination.[2] Marriages celebrated by Presbyterian clergymen were legalised,[3] and a body of Dissenters in Ulster, called Seceders, were granted the privilege of taking an oath by lifting up the right hand.[4] The Bank of Ireland was established.[5] As appendant to the new constitution, Ireland was to have a Mutiny and a Habeas Corpus Act of her own, and the independence of the Judges was secured.[6] Poynings' law was modified in the following manner: All bills, approved of by both Houses of Parliament, and none other, were to be certified by the Lord Lieutenant for transmission to England under the great seal of Ireland "without addition, diminution or alteration," and such bills, if returned unaltered, were to pass in the Parliament of Ireland, but no Parliament was to meet, until a licence for that purpose had been obtained from the Crown under the Great Seal of Great Britain.[7]

[1] 21 & 22 Geo. III., c. 47. [2] 21 & 22 Geo. III., cc. 24, 62.
[3] C. 25. [4] C. 57. [5] C. 16.
[6] Cc. 43, 11, 50. [7] C. 47.

CHAPTER XVI.

THE SETTLEMENT OF 1782—SIMPLE REPEAL—REVOLT OF THE VOLUNTEERS AGAINST THE PARLIAMENT—THEIR CONVENTION — CONDITION OF IRELAND IN 1783 AND 1784—DEMAND FOR A COMMERCIAL UNION.

THE Settlement of 1782, which established a more incomplete connection between Great Britain and Ireland than had existed before, was as defective as the wit of man could devise. Under it, there was but one tie between the two countries, namely, the identity of the Executive. For we may leave out of account the power of refusing to place the Great Seal on an Irish bill, as the exercise of that negative would at once have caused a collision between the two kingdoms. The right of the Crown to refuse its assent to a bill which had passed both Houses had fallen into disuse in England, and it was not likely that it would be exercised in Ireland. After 1782, there was no unity whatever between Great Britain and Ireland save that of the Executive, and the two Parliaments might have differed on every important matter. Nothing was settled between the two nations, except that the legislative supremacy of the more powerful was given up, and every question between them was left to the humour or passion of the hour. The two Parliaments were equal and co-ordinate, without any paramount authority to regulate them, or reconcile their differences, and the Empire, though in theory one and indivisible, had two wills and two voices. There was no provision for securing uni-

formity of action in affairs of Imperial concern, such as the regulation of trade and commerce between Great Britain and Ireland, their transactions and intercourse with foreign States, the declaration of war and its conduct, or the negotiation of peace. The Parliament in Ireland claimed perfect internal and external legislative powers, though it is hard to see how the expression "external legislation" could be applied to a Parliament which was unable to defend a single harbour of the nation it governed, or resent an injury done to an individual of that nation outside its borders or on the high seas. Yet, powerless as that Parliament was, there was hardly a matter in which it might not have thwarted or injured Great Britain. As Pitt said "a party in England might give to the throne one species of advice by its Parliament: a party in Ireland might advise directly opposite upon the most essential points that involved the safety of both; upon alliance with a foreign power for instance; upon the army, upon the navy, upon trade, upon commerce, or upon any point essential to the empire at large."

The history of Scotland furnishes us with an example of the evils resulting from a partial and incomplete connection between a rich and powerful nation and one inferior in wealth and power. Scotland, though differing greatly from Ireland in possessing an ancient and independent crown of her own, had once stood to England in such a position. Both kingdoms acknowledged the same king, but their Parliaments were separate, and the only bond between them was the identity of the Executive. This relation produced constant irritation and national animosities which disturbed and weakened the Empire. The discontent of the Scots came to a head in the early part of the reign of Anne. While England was at war with France, the Parliament of Scotland manifested a strong inclination to the latter country, and passed an Act removing restrictions on the importation of

French wines. A year later it passed another, the Act of Security, which provided that, in case of the Queen's death without issue, the successor to the Scottish Crown should not be the same person that was possessed of the English Crown, unless before that event the rights and liberties of Scotland had been settled independent of English interests. The English Parliament retaliated by passing an Act declaring the natives of Scotland, with certain exceptions, aliens, unless their country should settle its crown on the House of Hanover, by the 24th of December in the next year. In addition, twenty-four men of war were fitted out with orders to seize all Scottish vessels trading with France. Everything portended a war, but fortunately both kingdoms saw that two independent Parliaments were incompatible with their common safety, and sank their differences in an incorporate union.

It is the nature of all such imperfect connections to generate jealousy, suspicion, and finally hostility, in the inferior country. The weaker nation, being subordinate in the Empire, is obliged to witness a perpetual ascendency and control in all its affairs. The Executive, being only responsible to the Parliament of the superior nation, necessarily partakes its sentiments, and carries them into every department of the concerns of the inferior country, and the latter is always conscious of a real dependence which produces chagrin and resentment. The sense of subordination irritates and begets a constant desire to throw off the predominant influence of the more powerful partner. Hence arise attempts of the inferior to assert itself, and to weaken the control which is the necessary consequence of its own inequality of power. Complaints are made of the superior encroaching on or denying the rights of the other, and obstruction is offered to the action of the Executive. Demand of redress succeeds demand, and concessions, instead of exacting grati-

tude, are received as rights long denied, each, as it is granted, giving rise to a new claim. The leading men in the inferior Parliament, being excluded from the consideration of Imperial matters, become narrow and parochial, with views limited to their own country. Its constitutional claims occupy their attention so largely that they neglect both the welfare of the people they govern, and the wider interests of the Empire. Repining at the visible signs of their subordination, they strain every effort to raise their local Parliament to an equality with that of the superior nation, and to strike off link after link of their dependence, or, as they term it, to free their country from the yoke of foreign interference. The connection being partial, the interests of the two nations must in many respects be different. This difference further increases their alienation, and produces fresh causes for dissensions. Gradually the tie between the two countries is loosened, every trivial discontent is magnified into a cause of quarrel, and distrust and enmity take the place of loyalty to the connection. A relation of this kind inevitably leads, sooner or later, to one of three things—separation, war or incorporation.

All the tendencies and symptoms we have enumerated are to be found in the connection which had existed between England and Scotland, and in that between Great Britain and Ireland. They are inseparable from all partial and imperfect relations, and attend them as the shadow does the body. They were manifested by the Scottish Parliament and people before the union with England, and by the Irish Parliament and the small community it represented, both before and after 1782. In the latter country, they were aggravated by the nominal independence obtained in this year; for nothing causes so much heart-burning as an unsubstantial independence side by side with real subordination. If Ireland, instead of being a mere geographical expression,

had represented a homogeneous and united people, the final result would soon have made its appearance. But there was a circumstance connected with that country which prevented or delayed it. The members of the Episcopalian community lived in fear of their fellow citizens. They might fret and fume, and hurl defiance against Great Britain, but they dared not move. Behind them stood a vast multitude seething with hate and disaffection, and eager to avenge the sufferings of more than a century. Grattan, and a small group as short-sighted as himself, felt the weakness which this division caused, and were anxious to end it by opening the Parliament to the Roman Catholics. If their policy had been adopted, the government of Ireland would soon have passed into the hands of that body, and a Roman Catholic Parliament, assisted by and in co-operation with France, would have confronted Great Britain. One of two things must then have happened: Ireland would have become a province of France, or a fourth conquest would have placed her in a still more subordinate position to Great Britain.

One feature of the Irish Parliament must be kept in mind when we feel inclined to censure the lavish grants of peerages, pensions, and offices to its members. In Great Britain, when a Parliamentary opposition became more numerous than the party which supported the Ministry in possession, the former simply took the place vacated by the latter, and the business of the country went on as before. A change of ministers was effected, but no interruption occurred. It was wholly different in the Irish Parliament. There, the Opposition was permanent and not liable to change. If it obtained a majority, it was impossible for the Government to carry on the public service unless in complete subservience to it. The supplies would not have been voted until the demands of the Opposition had been conceded. A continuance of such refusal would have amounted to a real

separation between the two countries, or at least a system of perpetual contests would have been inaugurated. A concurrence between the Government and the Parliament was absolutely necessary, and needed to be maintained at all cost, if the connection was to continue. The Irish Parliament was corrupt beyond example, and the only means of securing a working majority lay in appealing to the private interests of its members. With such a Parliament in existence it may be asked, in what other manner, than by a large distribution of titles, pensions and places, could the government of Ireland have been carried on.

For a very short time after the grant of independence, Grattan was the idol of the Volunteers, and was hailed as the deliverer of his country. But his "hated rival," as Lord Charlemont calls Flood, soon re-appeared on the scene and snatched the laurels from his brow. Flood started the idea that Grattan had not effected anything, and that the mere repeal of the statute of George I. was totally inadequate to secure the legislative rights of the Irish Parliament. He argued that, as the 6th of George I. was a declaratory law, its repeal left matters as they originally stood before its repeal, and that nothing short of an express renunciation by the British Parliament of its claim to legislate for Ireland was sufficient. "It is an undeniable principle of law," he said, "that the mere repeal of a declaratory Act does not renounce the principle of it, and it is also clear to common sense, that nothing but a final renouncing of the principle of the law is adequate to our security".[1] On the 14th June, 1782, he moved that the opinion of all the judges should be taken on the question "does the repeal of the Declaratory Act amount in legal construction to a repeal or renunciation of the legal principle on which the Declaratory Act grounded itself?"[2] The motion was negatived, the order of the day

[1] *Irish Debates*, i., p. 240. [2] *Ib.*, i., p. 429.

having been moved and carried. Flood again returned to the subject, and on the 19th of the following month, moved for leave to bring in heads of a bill affirming the sole exclusive right of its Parliament to make laws for Ireland in all matters, internal and external.[1] This motion was rejected without a division. Thereupon, Grattan moved as extraordinary a resolution as ever was proposed in any Parliament, *viz.*, "that any person who should propagate in writing or otherwise an opinion that any right whatsoever, whether external or internal, existed in any other Parliament, or could be revived, was inimical to both kingdoms".[2] This resolution appeared so monstrous to the House that Grattan withdrew it, and proposed the following which was carried: "that leave was refused to bring in the bill, because the sole and exclusive right to legislate for Ireland in all cases whatsoever, internally and externally, has been asserted by the Parliament of Ireland, and has been fully, finally, and irrevocably acknowledged by the British Parliament."

The doctrine of Flood, so contemptuously treated in the House of Commons, was ardently accepted by the Volunteers. The lawyers' corps appointed a committee to consider the subject, and the committee supported Flood's pettifogging suggestion. Though, only two months before, 306 companies of the Ulster Volunteers, in an address to the King, had declared, that they would consider a repeal of the 6th of George I. "a complete renunciation of the principle hostile to the rights of Ireland," and the National Committee for the provinces of Leinster, Munster and Connaught, had concurred in this declaration,[3] the whole body now demanded an express renunciation. Every part of the kingdom was convulsed with a fresh agitation, and Flood was the hero of the hour. Grattan's popularity vanished, his reputation was

[1] *Irish Debates*, i., p. 455. [2] *Ib.*, i., p. 467.
[3] Wilson's *Volunteers*, pp. 267-68.

assailed and the safety of his person endangered.[1] The man, whose character in the preceding May had been held up by the Volunteers "as the object of peculiar commemoration and distinguished national reward," and whose services had been rated as superior to those of Marlborough,"[2] was now become "almost universally odious, and, in proportion as Grattan was debased, Flood was exalted".[3] Early in the following year, the Parliament of Great Britain, to throw dust upon the angry insects, passed an Act declaring that the right claimed by Ireland to be bound only by laws enacted by the King and Parliament of that nation, in all cases whatever, was established and ascertained for ever.[4]

No sooner was this agitation quieted than another and far more serious one arose, which was nothing less than a revolt of the Volunteers against the Parliament. The Volunteers had not disbanded when Rodney's great victory in April 1782 had dissipated the last fear of an invasion, nor at the time when a general peace had been concluded early in 1783. They had been so flattered and extolled within Parliament and without, and so many inflammatory appeals had been made to them, that they had come to regard themselves as the saviours of their country and superintendents of its constitution and Government. The Ulster regiments had imbibed the principles of democracy and republicanism from the Presbyterians, of whom they were largely composed, and it was among them that the new agitation commenced. Having obtained from Great Britain the independence of their Parliament, abolition of the restrictions on their commerce, a share in the colonial trade, the appellate jurisdiction, and a mutiny act of their own, they turned

[1] *Grattan's Life*, iii., pp. 31, 137.

[2] "Address of the Committees of Ulster and Connaught to the Volunteers of those Provinces," 28th May, 1782 (Wilson's *Volunteers*, p. 264).

[3] *Charlemont Manuscripts, etc.*, i., p. 66. [4] 23 Geo. III., c. 28.

their attention to a reform of their Parliament, and the subversion of the constitution which they had just gained. The Irish Parliament at this time was, to the small community it represented, almost exactly in the same situation as the Parliament of Great Britain; that is, the propertied classes governed the country, and returned a majority to the Commons. On the 1st July 1783, representatives of forty-five corps met at Lisburn, and resolved, that a general meeting of Volunteer delegates of the province of Ulster should be held at Dungannon on the 8th of the following September, to consider the subject of a more equal representation of the people.[1] A committee was appointed at this meeting which issued an address to the Volunteers throughout Ulster, and opened a correspondence with the English promoters of Parliamentary reform. This committee also applied to Lord Charlemont, asking him whether he thought the Volunteers should interfere in the following subjects, *viz.*, shortening the duration of Parliaments, exclusion of pensioners, limiting the number of placemen, and a tax on absentees.[2] Charlemont was greatly alarmed at this wide field of reform, and advised them to confine their efforts to a reform of Parliament. The Dungannon meeting was held on the day appointed, and consisted of delegates from 269 Ulster corps. Throwing Charlemont's advice to the winds, they passed twenty-one resolutions unanimously, among which were the following: that the elections of representatives in Parliament had been for centuries annual and the suffrage universal, and that every approach to these fundamental principles tended to a renovation of the constitution; that the franchise should extend to all those likely to exercise it for the public good; that the present imperfect representation and long duration of Parliaments

[1] *Belfast Politics*, p. 228.

[2] *Charlemont Manuscripts, etc.*, i., p. 113; *Belfast Politics*, p. 242.

were unconstitutional and intolerable grievances; that the people had a just and inherent right to correct abuses in the representation; and that the representatives ought not in future to consent to bills of supply for a longer period than twelve months, nor more than six months until complete redress of grievances had been obtained. A specific plan of reform having been produced and read, they further resolved that it should be referred to the consideration of a Grand National Convention to be held in Dublin on the 10th of the following November. They also issued an address to the "Volunteer Armies of the provinces of Munster, Leinster and Connaught", calling on them to mature in their provincial assemblies an extensive plan of reform to be produced at the National Convention, "as the solemn act of the Volunteer Army of Ireland: as a demand of rights, robbed of which, the unanimated forms of a free constitution would be a curse, and existence itself cease to be a blessing".[1]

Concurrently with these proceedings, Parliamentary elections were going on throughout the country. The former Parliament had been dissolved in July, and a new one summoned for the 6th of September, but, before that day, was prorogued to the 14th of October. The question of Parliamentary reform was new in Ireland, and had never been considered or debated in Parliament. It was now adopted by the Volunteers purely in imitation of the movement in England. Without waiting to see whether or not the new Parliament was hostile to reform, and without obtaining a single petition in its favour, the Volunteer Army of Ireland, as its members loved to describe it, resolved to take the matter into its own hands. The electors of the kingdom had just chosen their representatives; yet the

[1] *Belfast Politics*, pp. 233-40.

Volunteers, separating themselves both from the people and the Parliament, elected representatives of their own to sit in a military parliament, and decide a novel question which had never been submitted to the constitutional parliament. This was revolution and the beginning of anarchy. A collision between the two Assemblies was inevitable. If the Parliament had accepted the dictation, and registered the decrees of the Volunteer Convention, its own authority would soon have disappeared, for the victory of the Convention would have been the annihilation of the Parliament.[1] An armed body of men, self-appointed and independent of the State, sitting in an Assembly to which they gave the title of National, would easily have found reasons for perpetuating their session. Other matters than reform would certainly have been laid before them, and the business of the country would gradually have passed into their hands. Or, if the present plan of reform proposed by them should be found inadequate or incapable of being worked, another convention would be called to correct it, and thus convention would succeed convention to the disuse and contempt of Parliament, and the constant fluctuation of the constitution.

The Grand National Convention assembled in Dublin on the day appointed by the Dungannon Assembly. Lord Charlemont was elected President. The delegates first met in the Exchange, but there being no room in that building sufficiently large, they marched two and two to the Rotunda, the streets being lined by the Dublin Volunteers who re-

[1] This was the opinion of Fox. "Unless they (Volunteers) dissolve in a reasonable time, Government, and even the name of it, must be at an end. . . . If they are treated as they ought to be—if you show firmness, and that firmness is seconded by the aristocracy and Parliament—I look to their dissolution as a certain and not very distant event; if otherwise, I reckon their Government, or rather Anarchy, as firmly established as such a thing is capable of being, but your Government is certainly completely annihilated" (Letter to the Lord-Lieutenant, 1st Nov., 1783, *Grattan's Life*, iii., p. 106).

ceived them with presented arms and colours flying. The Convention at once adopted all the forms of a regular Parliament, appointing committees, receiving reports and petitions, and printing their debates.[1] From every quarter, a multiplicity of visionary schemes of reform were poured into it, some absurd, some ingenious, and all impracticable. "Hundreds of plans," says Charlemont, "were sent in, of the wildest and most ridiculous nature. Every schemer laid before them the crude production of his shallow understanding, and the farrago of matter was such as absolutely to confound the members".[2] At length "after the toilsome confusion of many days" Flood was added as assessor to the committee which had been appointed to consider the different schemes. All the other plans were rejected, and Flood produced his own, which, after some debate, was adopted, "not so much for its intrinsic merits, its manifold defects being even then apparent to all men of judgment, as from the extreme difficulty of framing any other to take its place".[3] Some even thought that Flood's scheme, notwithstanding his comments and explanations, was the most unintelligible of all.[4]

Flood's plan was a chaos of absurdities. It professed to be a scheme for a "more equal representation of the people," yet it left out three millions of the people. It designed an enlargement of the suffrage, yet it disfranchised every non-resident freeholder in Ireland who was not possessed of an estate of £20 per annum in land, thus striking off many thousands of electors; it swept away at a blow every charter which granted the franchise to boroughs: it disqualified the whole body of potwallopers, who voted in right

[1] The *Dublin Evening Post* was appointed for this purpose (*Proceedings and Debates of the Volunteer Delegates*, Dublin, 1784).

[2] *Charlemont Manuscripts, etc.*, i., p. 129.

[3] *Ib.*

[4] *Belfast Politics*, p. 252.

of residence, unless they had among them in each town a certain number of electors qualified in the manner required by the plan; it proposed to extend the small boroughs to the adjacent baronies or parishes. If to baronies, this proposal would in some cases have given a forty shilling freeholder eight votes, while a man of large property residing in a barony in which there were no boroughs, would only have had two votes for the county. Thus the barony of Gowran contained three boroughs, and a forty shilling freeholder in it from one freehold would have had two votes for each of the boroughs and two for the county. If, on the other hand, the borough had been extended to the adjacent parishes, the only effect would have been to transfer the borough interest, and vest it in the neighbouring landlord. The scheme also proposed triennial Parliaments.

When the plan was agreed to after three weeks' debates, Flood proposed to the Convention, that he, accompanied by the members of Parliament who were present, should at once go down to the House of Commons, and move for leave to bring in a bill, corresponding in every respect to the plan, and that the Convention should not adjourn till the fate of his motions was ascertained. Both proposals were acceded to. This was a complete and open avowal of a rival legislature co-existing with the Parliament and possessing equal authority. The proceeding resembled bringing up a bill from one House of Parliament to the other. Charlemont, to avoid a conflict between the Convention and Parliament, had desired that the delegates of the Convention, having been previously dissolved, should carry down the plan to their respective counties, to be there considered, and, if approved, supported by petitions from the constituents. But Flood would not hear of delay. Accompanied by some members of Parliament, and dressed in his Volunteer uniform, he hurried down to the House the

same evening, and moved, prefacing his motion by saying that there were 50,000 men to support it, and 50,000 more if necessary,[1] that "leave be given to bring in a bill for the more equal representation of the people in Parliament". After a long debate, leave was refused by 157 votes to 77, on the ground that the bill came from an armed assembly. Immediately after its rejection, a resolution was moved that "it is now become indispensably necessary to declare that this House will maintain its just rights and privileges against all encroachments whatsoever," and passed by 150 to 68.[2] Grattan's action in this crisis was extremely discreditable. He urged the House to receive the bill proffered by the Convention, and a few minutes later voted silently for a resolution which was a slap in the face to the Convention. The conduct of Flood and Grattan on this momentous occasion furnishes us with an accurate gauge of the political capacities of these two men. Flood was the apostle of anarchy; Grattan was willing to subordinate the legislature of his country to an armed mob.

The rejection of their plan of reform was a death-blow to the Old Volunteers. All sensible men were alarmed at the language used in the Convention. Many in that assembly had declared that it was the true Parliament of the nation, inasmuch as its members had been delegated by the real voice of the people.[3] It was generally felt that the continuance of an armed body independent of the Govern-

[1] It was stated in Flood's presence, and not denied by him, that he had used these words (*Irish Debates*, iv., p. 31). He had used similar language in the Convention. "Let 50,000 armed men, capable of calling 50,000 more, without the voice of faction, follow up their own principles" (*Proceedings and Debates of the Volunteer Delegates*, p. 113).

[2] *Commons' Journals*, ii., p. 144. At the same time an address was voted to the King, declaring the contentment of the Commons with the present Constitution, and their resolve to maintain the same inviolate.

[3] *Proceedings and Debates of the Volunteer Delegates*, pp. 69, 115; *Belfast Politics*, p. 262.

ment was injurious to the interests of the nation. This opinion manifested itself in the House of Commons when a resolution, declaring that the Volunteers had been useful to the country, was proposed. An amendment was moved to add to the resolution the following words "and that this House highly approves the conduct of those who, since the conclusion of the war, have retired to cultivate the blessings of peace," and was carried by 179 to 58.[1] The leaders and the men of property withdrew from the volunteers, and their example was followed by the rank and file, who returned to their farms and trades, but not until they had sown the seeds of sedition and disloyalty to the Parliament of their country. New levies from the lowest classes with revolutionary views took their place and assumed their name, or, as Grattan expressed it, the armed property of the nation was succeeded by the armed beggary. The change from the Old to the New was very rapid. As early as January 1785, Grattan deplored the transformation,[2] and in March of the same year, Charlemont wrote that the ranks of the Volunteers were defiled with the scum of the people.[3] In Dublin, the new volunteers showed a very dangerous and seditious spirit. Grattan, speaking of them in the Commons said that "the nation had been solicited to rise". Other members stated that, when the magistrates called on the Volunteers to suppress riots, they had declined to move; that many, calling themselves Volunteers, took pay by the day; that men who had been disowned by the true Volunteers were arming themselves; and that invitations had been issued to the dregs of the people to attend drills and form into corps. The Attorney-General declared that he had seen resolutions inviting the French into the country; that one corps had voted every Frenchman of character an

[1] *Commons' Journals*, ii., p. 354. [2] *Irish Debates*, iv., p. 41.
[3] *Charlemont Manuscripts, etc.*, ii., p. 19.

honorary member; and that the Roman Catholics were invited, contrary to the law, to arm themselves, and to reform the constitution in Church and State.[1] In the North, similar symptoms were manifested by the new levies. The Belfast First Volunteer Company passed a resolution "that we invite to our ranks persons of every religious persuasion, firmly convinced that a general union of *all* the inhabitants of Ireland is as necessary to the freedom and prosperity of this kingdom, as it is congenial to the constitution".[2] Another corps in the town concurred in this resolution. In Belfast and its neighbourhood, subscriptions were opened to purchase arms and uniforms for those who could not afford to buy them, and it was hoped that this measure would add 10,000 men to the Northern Army, and 25,000 to the national force.[3] The Northern corps lingered on with diminishing numbers, but with increasing disaffection, until March 1793, when a proclamation forbade all unlawful assemblies. From this period, the Northern Volunteers ceased to parade, or appear in military array,[4] after having proclaimed the principles which gave rise to the United Irishmen, associations of whom had been established as early as the latter part of 1791 both in Dublin and Belfast.

In the year following that in which the National Convention had met, the bill, which had been approved in that assembly, was again introduced by Flood though under a different name.[5] On the 13th of March 1784, he moved "that leave be given to bring in a bill to remedy certain de-

[1] *Irish Debates*, iv., pp. 41, 226, 279-94.

[2] *Belfast Historical Collections*, p. 293. [3] *Ib.*, p. 292.

[4] *Belfast Politics*, p. 411. A previous proclamation against seditious and unlawful assemblies in the county and city of Dublin had been issued on 8th Dec., 1792 (*Commons' Journals*, xv., Append., p. 308).

[5] Flood himself stated that it was the same bill. "When this bill," he said, "was formerly introduced into this House, it was argued that it ought to be rejected as originating with the Volunteers" (*Irish Debates*, iii., p. 79).

fects in the representation of the people in Parliament". This time, Flood had obtained twenty-six petitions from counties, of which some were only in favour of the general idea of reform.[1] Leave was granted, as the bill did not proceed from an external assembly, and was read a second time. On the motion for its committal it was fully debated, and all its absurdities exposed.[2] Grattan voted for its committal, though he declared "that it never could be carried into effect". The motion was negatived by 159 to 85.

Later in the same year, an attempt was made to convoke another convention under the name of a National Congress. Napper Tandy, and twelve other inconsiderable citizens of Dublin, styling themselves the Committee of the Aggregate Meeting of the inhabitants of Dublin, associated themselves for this purpose. They despatched letters to all the sheriffs in Ireland, enclosing an address to the people on the subject of Parliamentary reform, and requesting the sheriffs to convene the inhabitants of their bailiwicks to consider the same, and to elect delegates to a National Congress to assemble in Dublin on the 25th of the following October. But by far the ablest and clearest headed man in the Irish Parliament was then Attorney-General. Fitzgibbon at once prosecuted by attachment the Sheriff of the County of Dublin, for presuming to call a meeting to elect delegates to the Congress at the time he was an officer of the Crown.[3] This example sufficed. Only one other sheriff complied with the summons of the self-appointed committee.[4] The Congress, when it did meet, was a miserable fiasco. Flood attended, and

[1] *Irish Debates*, iii., p. 69. [2] *Ib.*, pp. 43-85.

[3] The affidavit, upon which the attachment was grounded, stated that "the Sheriff did elect five delegates, and pledge himself and the freeholders and inhabitants of the county to support with their lives and fortunes whatever plan such Congress should determine on" (*Irish Debates*, iv., p. 369).

[4] *Ib.*, iv., p. 408.

revealed his plan of reform, but, as the plan did not include Roman Catholics, it did not give satisfaction, and the Congress broke up without effecting anything.

It would be impossible to exaggerate the miserable condition of Ireland in the years 1783 and 1784, when these schemes of reform were put forward. Neither the abolition of commercial restrictions, nor a share in the Colonial trade, had brought relief to the country. The Volunteer movement had been eminently unfavourable to industrial production and thrift; immense sums had been squandered by the nobility and gentry on the pageantry and pomp of military parade; the farmers had left their fields, and the artisans their work, to attend the drills, the reviews, and the political meetings of the Volunteers. Exertion had been universally relaxed, and trade was at a standstill. In addition, the harvest of 1783 had been insufficient. The distress in the country was universal.[1] In the North, every species of grain was dear, and a sudden rise in the price of oats and barley had given very grave cause to apprehend a scarcity. This was the more serious as oats was the grain upon which its inhabitants chiefly depended. To prevent such a misfortune, the Commons on the 26th of January 1784, presented an address to the Lord Lieutenant requesting him to take such measures as would guard against a scarcity of oats and barley.[2] In consequence of this address, the Lord Lieutenant on the next day issued a proclamation, forbidding the exportation of oats, oatmeal, and barley from any ports in the kingdom.[3] In the south and west, the destitution was very great. As early as November 1782, the Lord Lieutenant had laid an embargo on all ships laden, or to be laden, with

[1] *Irish Debates*, iii., pp. 122, 127.

[2] *Commons' Journals*, xi., p. 181. *Irish Debates*, ii., p. 347.

[3] 23 and 24 Geo. iii., c. 37. An Act indemnifying those who had acted under this proclamation.

potatoes or any kind of corn, in grain, meal, flour, or made up in bread, biscuit, or starch, and in the June following the Privy Council advised the Lord Lieutenant to signify to all port collectors to accept bonds from the importers of foreign grain, instead of demanding the dues in money.[1] These extraordinary measures were sufficient, as the Lord Lieutenant stated in his speech of the 14th October 1783,[2] to avert absolute famine, but great and general distress still continued. In February 1784, Mr. Dillon stated in the House of Commons that in Connaught there existed "the utmost danger of a famine,"[3] and in the following April, a member thus described the condition of the South. "He would not wound the feelings of the Committee,[4] even with a faint description of the present distressed and dejected state of the lower ranks of people in the Southern districts of this kingdom; it was sufficient to say that there did not exist upon the face of the earth a race of men in so abject and wretched a condition—he would not except the Esquimaux in North America, nor the Hottentots at the Cape of Good Hope."[5] A few months after this statement was made, the Whiteboys again rose in insurrection, and proceeded to regulate wages and hearth money, to control the magistracy, and to deprive the clergy of their tithes, and the landlords of their rents. To the Whiteboys, the Rightboys succeeded, and for three years, the most fertile counties of the South were the scenes of anarchy and outrage.

In Dublin the destitution was extreme. Multitudes of famishing wretches were daily to be seen, faintly crawling through the streets.[6] "Twenty-five thousand souls were

[1] 23 and 24 Geo. III., c. 10. Indemnifying all who acted under the order for an embargo, or under the advice of the Privy Council.

[2] *Irish Debates*, ii., p. 3.

[3] *Ib.*, p. 359.

[4] The House was then in Committee.

[5] *Irish Debates*, iii., p. 133.

[6] *Ib.*, ii., p. 23.

really starving".[1] In three manufacturing parishes there were twenty-one thousand poor. Private charity did a great deal, but it was wholly unable to cope with the distress. At length the Commons presented an address to the Lord Lieutenant, praying him to advance a sum of £3,000 for distribution among the poor of the city. When this address was proposed, a circumstance occurred which shows how general the pressure was. The members for Cork, Londonderry, Lismore, Dungarvan and Cavan urged that relief should be extended to these towns, and another member declared that the relief should be general, as the province in which he resided was on the brink of a famine.[2]

Contemporaneously with this general privation, there existed in the city of Dublin complete social anarchy. The barbarous custom of houghing soldiers, that is, hamstringing them, was so common that it became necessary to pass a special Act against it, making it punishable with death two days after sentence, and providing life pensions for the wounded soldiers.[3] Persons were daily marked out for the operation of tarring and feathering, the magistrates neglected their duty, and the volunteers seemed to countenance the outrages.[4] On the 5th of April 1784, a mob broke into the House of Commons, and having taken possession of the gallery, elected a Speaker from among themselves, and demanded that Mr Foster should be delivered up to their rage with a rope round his neck.[5] At this time the press of Dublin was perhaps the most seditious and malignant in the world. No public man could do his duty without drawing on himself calumny and abuse. Infamous libels were daily published on the best men in the nation.

[1] *Irish Debates*, ii., p. 359. [2] *Ib.*, pp. 351-60.
[3] 23 & 24 Geo. III., c. 56.
[4] *Correspondence between Pitt and Duke of Rutland*, p. 37.
[5] *Manuscripts of the Duke of Rutland*, iii., p. 86.

No one was secure for an hour from having his character attacked by a hired slanderer.[1] "One paper," said Grattan, "teemed with exhortations and incitements to assassination, and daily published such matter as would not be suffered in any country existing". "No country," said another member, "was ever disgraced in the manner this has lately been; nothing less than essays in praise of murder, investigating the different means by which it may be perpetrated, and giving the preference to the poignard as the most certain and least dangerous to the assassin. There is no place in the world where incitements to murder would be permitted, and, if the mobs here commit murders, they must be attributed to the news-printers, who, not content with assassinating characters, now proceed to the shedding of blood".[2] To show the effect such newspapers had on the public mind, the Attorney-General made the following statement, "there is now a person in prison on an information, for having with others conspired and employed assassins to murder no less than seven members of this House. The conditions were, that the murderers should, upon performance of the business, receive a hundred pounds, and in the meantime, they were actually furnished with money, pistols, ammunition and bayonets. They were also instructed to use the latter weapon, because it would neither miss fire nor make a noise". As the law then stood, it was not required to register the name of a proprietor of a newspaper, so that it was impossible to discover the guilty. To remedy this defect, an Act was passed, providing that no person should print or publish a newspaper, until he had delivered to the Commissioners of Stamps the name and address of the owner.[3]

[1] *Irish Debates*, iii., pp. 159-67. [2] *Ib.*, p. 167.

[3] 23 & 24 Geo. III., c. 28. "An Act to secure the liberty of the press by preventing the abuses arising from the publication of traitorous, seditious, false, and slanderous libels by persons unknown."

In April 1784, a resolution was moved in the Commons "that it appears to this House that many of the working-people of this kingdom, in several branches of manufacture, are in extreme poverty and distress.[1] The truth of the fact mentioned in the resolution could not be denied, for every member had in his hands the report of a committee appointed to inquire into the state of the manufactures of the country.[2] England was then hedged round with very high duties on importation, except in the case of white and brown linen from Ireland, while the duties on goods imported from England into Ireland were small. The lowness of the Irish duties, the large capitals of the English merchants, which allowed them to give long credit, and the highly developed skill of their workmen, enabled them to undersell the Irish manufacturers in their own markets, and to swamp their infant industries. To encourage the latter, it was proposed in Parliament to establish protecting duties, but the majority in it, fearing that England might retaliate and withdraw the favour shown to Irish linen, rejected the proposal. At length in May 1784, at the close of the session, the Irish Parliament took the wisest step ever taken by that Assembly, and resolved unanimously to present an address to the King declaring that "they entertained the warmest hopes that the interval between the close of the present session and the beginning of the next would afford sufficient opportunity for forming a wise and well digested plan for a liberal arrangement of commercial industry between Great Britain and Ireland, to be then brought forward". And they assured his Majesty "that such a plan formed upon the broad basis of reciprocal advantage, would be the most effectual means of strengthening the Empire at large, and cherishing the

[1] *Commons' Journals*, xi., p. 258.

[2] See the Report in the Appendix to vol. xi. of the *Commons' Journals*. It contains a schedule comparing the English and Irish import duties.

common interest and brotherly affection of both Kingdoms."[1]

This address, coming from a petulant and self-complacent Assembly, must be considered as a cry for help. Extra-legal measures to avert famine, which required Acts of Parliament to indemnify those who had acted under them, general scarcity in the North, East and West, and destitution accompanied by insurrection in the South, had at last opened the eyes of the Irish Parliament to the true condition of the kingdom. The manufactures throughout the country, except that of linen, which owed its prosperity to the protection and favour of Great Britain, were declining. After the restrictions had been removed, the woollen manufacturers had made great endeavours to increase their exports, but these had almost ceased, and the trade was decaying, as were those of cotton, silk, sailcloth, leather and hosiery.[2] An alarming emigration had set in, and industrious workmen, such as spinners and combers, were daily leaving the country in hundreds.[3] But though the Irish Parliament saw the signs of distress and decline wherever it turned its eyes, it was wholly incapable of remedying them. Economy in the administration of the national resources was the one thing needful for Ireland, but though plans of retrenchment were often proposed in Parliament, they were always rejected. The old system of jobbery and waste was continued. In the years 1782, 1783, 1784, upwards of £150,000 was thrown away on the absurd bounty on the carriage of corn to Dublin.[4] Enormous sums, in proportion to the revenue, were given in bounties and premiums. In 1783, Lord Anally, in the Upper House,

[1] *Commons' Journals*, xi., p. 283.

[2] See Report on the State of Manufactures, *Commons' Journals*, xi., Appendix, p. 135, etc.

[3] *Irish Debates*, iii., pp. 198, 217. See also Report on the State of Manufactures.

[4] Newenham, *View, etc.*, Appendix v.

complained that though £300,000 had been borrowed, the public grants amounted to £230,000.[1] At this time the revenue of the country, exclusive of local taxation, amounted to £1,298,648, a sum which was totally inadequate to the expenditure sanctioned by the Commons,[2] and of which more than a third was spent on management, bounties and appropriated duties, and was withdrawn from the control of the Government. The cost of collecting this revenue had risen from £81,000 in 1758 to upwards of £219,000 in the year 1784-5, though the new taxes were only additional duties on articles taxed before, and therefore an increase in the number of collectors was not necessary. As was said

[1] *Debates in the Lords*, iii. ; *Irish Debates*, pt. ii., p. 82.

[2] Account of the revenue for the year ending Lady Day, 1785 :—

Net amount raised on the subject in Ireland, exclusive of local taxes	£1,298,648	16	1
Deduct expenses of management	306,601	13	1½
Clear amount passing into the Treasury	£992,047	2	11½
Add the following :—			
Poundage and pells fees	24,662	17	3¾
Four shillings on salaries, etc., of absentees	11,040	18	3¼
Casual receipts	9,366	8	7¼
Amount issuable at the Treasury	£1,037,117	7	1¾
Deduct net produce of appropriated duties	238,076	8	7¾
Net sum applicable to the current expenses of the nation	£799,040	18	6
Expenses for the same year :—			
Net charge of the Civil List	187,145	0	8
Net charge of the military establishment	480,727	13	2
Extraordinary charges	254,479	18	7
Total charge	£922,352	12	5
Deduct net sum applicable to payment	799,040	18	6
Deficiency on the revenue to discharge the expenditure	£123,311	13	11

(Clarendon, pp. 90, 91).

in the House, "it was as easy for an officer to receive two shillings as one on any article".[1] It thus appears that the Irish revenue was collected at an expense of nearly seventeen per cent. One department of it, the stamp duties, was collected for nearly nineteen per cent. in this year. Though, as Lord Anally said, £300,000 was borrowed in 1783, yet in the same year the Commons rejected a bill for taxing absentees by 184 to 22.[2] Such a tax would at this time have added at least £120,000 a year to the revenue. While the country was in great distress, everything was done in the most costly way. Four thousand a year was added to the salary of the Lord Lieutenant, and two thousand to that of his secretary. Three new judges were appointed at an expense of £6,000 a year. The salary of the Irish Speaker was greater by £1,000 a year than that of the Speaker in the Imperial Parliament. Fifty thousand pounds was lent to the undertakers of the Grand Canal, and £32,000 to Captain Brook, who shortly after failed. A custom-house, far more extensive than that of London, and which[3] was to cost £263,381,[4] was begun; and, in the last half year of 1785, bounties were increased by £52,000. Though waste and extravagance were still further beggaring the impoverished kingdom, we are told that "the prosperity of the country was advancing, and the revenue was rising".[5] The revenue of a country may rise in two ways; by the expansion of its trade and commerce, the taxes remaining unaltered. This is prosperity. Or it may rise from an increase of taxation, while its trade and commerce are decaying. This was the case with Ireland, and meant ruin and bankruptcy. It is

[1] *Irish Debates*, iii., p. 107. [2] *Ib.*, ii., pp. 277-89.

[3] Newenham, *View, etc., of Ireland*, p. 201.

[4] *Irish Debates*, vii., p. 123. The Parliamentary Grants for bounties and premiums in 1785 amounted to £130,000 (*Ib.*, vii., p. 241).

[5] Lecky, vi., p. 372.

well to compare this unfounded statement of Mr. Lecky with the language used in the Irish Commons in May, 1784, by the proposer of the address to the king: "While all Europe is rejoicing in the blessings of peace, and turning its thoughts towards manufactures and commerce, Ireland is plunged in the depth of despair and misery at finding herself incapable of deriving any benefit from the universal tranquillity, except by affording to her starving and industrious manufacturers more easy and frequent opportunities of flying into foreign countries".[1]

[1] *Irish Debates*, iii., p. 215.

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